

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46203 of 2014

Arising Out of PS.Case No. -3447 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sanjay Kumar Singh son of Sri Tribhuwan Singh.
2. Dhananjay Kumar Singh son of Tribhuwan Singh.
3. Sheema Kumari daughter of Tribhuwan Singh
4. Yaduna Devi wife of Tribhuwan Singh All resident of Mohalla - New Bahadurpur, P.S. - Bahadurpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deep Shikha @ Ruby Devi daughter of Sri Nityanand Singh resident of Mohalla - Chitragupta Nagar, Munna Chowk, P.S. - Patrakar Nagar, District AND Town - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur, Adv.
For the State : Mr. Upendra Kumar, APP
For the Opposite Party/s : Mr. S.K. Bhatnagar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

Learned counsel for the petitioners seeks permission to
withdraw the application so far as the petitioner no. 1 is concerned.

The same is allowed.

The rest of the petitioners who are in-laws seek quashing
of the order of cognizance dated 04.10.2012 passed in Complaint
Case No. 3447C of 2010 by the S.D.J.M, Patna.

The case of the complainant is that she was married with
the Petitioner no. 1 on 21.11.2009 on which occasion large number of
gifts were given to the in-laws but they were not satisfied and

demanded more dowry and on account of non fulfillment of the same they started torturing her. Her husband had illicit relationship with his Bhabhi.

It is submitted that evidently it appears that there was some incompatibility between the spouses which led to institution of a matrimonial suit by the husband for divorce which was decreed *ex-parte*. From the narrative of the complaint petition it appears that it is only because the Petitioner no. 1 was suspected to be having an illicit relationship with his Bhabhi, the present complaint has been filed.

On the other hand counsel for the complainant submits that since petitioners are in-laws they should be put on trial.

Having considered the nature of allegations and that the main allegation appears against the Petitioner no. 1(husband), the order dated 04.10.2012 passed in Complaint Case No. 3447C of 2010 by the S.D.J.M, Patna so far as rest of the petitioners are concerned, is hereby set aside and the application is allowed.

(Anjana Prakash, J)

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