

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39523 of 2012

Arising Out of PS.Case No. -60 Year- 2011 Thana -null District- LAKHISARAI

- =====
1. Amit Kumar, S/O Late Chandra Shekhar Singh
 2. Usha Devi W/O Late Chandrashekhar Singh
 3. Ajit Kr. S/O Chandra Shekhar Singh
 4. Biute Kumari @ Bituni Kumari, daughter of Chandrashekhar Singh
- All Resident of Village- Rahatpur, P.S- Surajgarha, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinku Kumari, W/O Amit Kumar, resident of Rahatpur, P.S- Surajgarha, District- Lakhisarai And Presently Residing At West Kariyanand Nagar, P.S and District- Lakhisarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the State : Mr. A.A. Khan, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioner No. 1 seeks permission to withdraw the application to raise all the points at the relevant stage.

The application as against Petitioner No. 1 is dismissed as withdrawn.

The rest of the Petitioners who happen to be the mother-in-law and sister-in-law of the Complainant seeks quashing of the order of cognizance dated 2.3.2012 passed by the Chief Judicial Magistrate, Lakhisarai, in Trial No. 1978 of 2012 arising out of G.R. No. 145 of 2011.

The case of the Informant is that she was married to the

Petitioner No. 1 on 27.4.2008 after which she started living happily with her husband. However, after 15 days of marriage, her mother-in-law, sister-in-law and her husband passed comments and demanded dowry. When she could not fulfill the said demands, she was abused. Subsequently, the husband started demanding a certain piece of land and when her parents refused to transfer the land, she was not brought back to her matrimonial home.

It has been submitted on behalf of the Petitioners that even though marriage had taken place in the year 2008, the present First Information Report was instituted only three years later i.e. in 2011. Evidently, the grouse appears to be against the husband who was torturing her for transfer of land and where rest of the Petitioners are concerned, there is no specific allegation against them.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the aforesaid submission, the application is allowed and the Proceeding including the order of cognizance dated 2.3.2012 passed by the Chief Judicial Magistrate, Lakhisarai, in Trial No. 1978 of 2012 arising out of G.R. No. 145 of 2011, so far as the Petitioners No. 2 to 4 are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--