

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41812 of 2012

Arising Out of PS.Case No.1210 (C),Year- 2009 District- BHOJPUR

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1. Nand Kishore Singh @ Garhan Singh S/O Nathuni Singh
 2. Shiv Muni Devi W/O Nand Kishore Singh @ Garhan Singh
 3. Baban Singh S/O Nathuni Singh
- All R/O Village - Keshri, P.S. Dhangai, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sanju Devi D/O Sudama Singh, W/O Anil Kumar Singh R/O Village - Mauja Dehri, P.S. Dhangai, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K.P. Singh, Sr. Adv.

Mrs. Meena Singh, Adv.

For the State : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the parents-in-law and uncle-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 25.3.2010 passed by the Judicial Magistrate, 1st Class, Ara, in Complaint Case No. 1210(C) of 2009.

The case of the Complainant is that she was married in the year 2004 to the son of Petitioners No. 1 and 2 whereafter she went to her matrimonial home. However, she was tortured for ends of dowry and ousted from the matrimonial home five years later in the year 2009.

It has been submitted on behalf of the Petitioners that they used to live separately and had no business with daily affairs of the Complainant and her spouse. It is impossible to believe that a person who was married for five years would be tortured for ends of dowry. Evidently, there was some difference between the husband and wife which has led to institution of the present Complaint with malicious charges of assault etc. at the hands of the Petitioners.

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

Considering the nature of allegation, period of marriage as also the relationship between the Parties, the application is allowed and the Proceeding including the order of cognizance dated 25.3.2010 passed by the Judicial Magistrate, 1st Class, Ara, in Complaint Case No. 1210(C) of 2009, so far as the Petitioners are concerned, is hereby set aside.

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(Anjana Prakash, J)

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