

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45762 of 2012

Arising Out of Complaint Case No. -476(C) Year- 2009 District- BUXAR

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1. Gajadhar Sah S/O Satya Narain Sah
2. Chunnu Devi W/O Gajadhar Sah
Both R/O Village - Orap, P.S. Itarh, District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Neeru Devi W/O Neeraj Kumar Arya, D/O Yamuna Prasad R/O Village -
Sonpa, P.S. Rajpur, District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Adv.

For the State : Mr. Satyavrat Verma, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the in-laws seeks quashing of the order of cognizance dated 20.10.2009 passed by the Sub Divisional Judicial Magistrate, Buxar, in Complaint Case No. 476(C) of 2009.

The case of the Complainant is that she was married to the son of the Petitioners in a temple. On their mutual agreement, the marriage was registered. Later when she came to her in-law's house, they objected to the love marriage and demanded dowry.

It has been submitted on behalf of the Petitioners that it is absurd to believe once the boy and girl married willingly the family

would intervene to demand dowry. It appears that after marriage there was some incompatibility between the spouses because the boy was unemployed. The Petitioners have been implicated only to pressurize them into settling the dispute.

On the other hand, the counsel for the Complainant submits that initially the Petitioner kept her well but, later on, they started to torture her for dowry and, hence, they should be put on trial.

Having considered the nature of allegation and the admission that it was a love marriage and there being an indication that probably the disappointment was on account of the boy being unemployed, I would be inclined to hold that the prosecution of the Petitioners is unwarranted.

Hence, the application is allowed and the entire Proceeding including the order dated 20.10.2009 passed by the Sub Divisional Judicial Magistrate, Buxari, in Complaint Case No. 476(C) of 2009, Trial No. 1115 of 2015 is, hereby set aside.

(Anjana Prakash, J)

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