

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43793 of 2014

Arising Out of PS.Case No. -53 Year- 2008 Thana -PAWNA District- BHOJPUR

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1. Jai Kishun Ram Son of Late Tulai Ram
2. Suraji Devi W/O Jai Kishun Ram Both of Resident of Village- Sukahara Dehri,
P.S.- Karakat (Gorari), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Daughter of Ramjee Chandrari R/O Village- Pawana, P.S.- Pawna,
District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP
For Opposite Party No.2 : Mr. Manoj Kr. Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioners, who are the parents-in-law of the Opposite Party No.2, seek quashing of the order of non-discharge dated 3.9.2014 passed by the S.D.J.M., Ara in Pawana P.S. case No.53 of 2008.

The case of the Informant is that she was married to the son of the Petitioners on 26.4.2003 and thereafter she went to her matrimonial home. However she was tortured for ends of dowry and repeated threats were given that the husband would be remarried. Even though she was a Panchayat teacher and had a daughter, she was thrown out from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is absurd to believe that a person would be tortured for such a long period and even after birth of a child.

On the other hand, the Counsel for the Informant submits that since the Petitioners are the parents-in-law, who were duty bound to ensure the matrimonial harmony of the spouses, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners, the duration of marriage and the fact that it appears improbable that a person would be tortured even after birth of a child, the application is allowed and the proceeding including the order of non-discharge dated 3.9.2014 passed by the S.D.J.M., Ara in Pawana P.S. case No.53 of 2008 so far as the Petitioners are concerned is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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