

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21349 of 2012

Arising Out of PS.Case No. 220 Year- 2005 District- KATIHAR

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1. Purnanand Rai, S/O Late Anant Prasad Rai
 2. Ramabati Devi @ Rambati Rai, W/O Purnanand Rai
 3. Shashi Kishore Rai @ Shashi Kishore, S/O Purnanand Rai
- All Resident Of Mohalla- Mirchaibadi, P.S.- Katihar, District- Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Puja Rai, W/O Shiv Kishoe @ Kanhaiya, D/O Kalika Sharma, Resident Of Mohalla- Barmasiya, P.S.- Katihar, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Adv.
Mr. Binod Kumar, Adv.
For the State : Smt. Asha Devi, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 5.4.2012 passed by the Sub Divisional Judicial Magistrate, Katihari, in G.R. Case No. 864 of 2005 arising out of Katihar Nagar (Sahayak) P.S. Case No. 220 of 2005.

The case of the Informant is that she was married to the son of the Petitioners No. 1 and 2 in a temple in the year 2003 whereafter she came to her in-laws house. However, when she came to her matrimonial home, she started being tortured for ends of dowry even after birth of a daughter. Subsequently, she was driven her out from the matrimonial home and hence the present case.

It has been submitted on behalf of the Petitioners that

evidently there was some incompatibility issue between husband and wife as is borne out from the statement of the father of the Opposite Party No. 2 and the dispute was not with regard to demand of dowry. Moreover, the fact that the Opposite Party No. 2 and her husband have been married in a temple also indicates that it was an ideal marriage without any transaction of money.

On the other hand, the counsel for the Informant submits that since the Petitioners are family members of the husband of the Informant, they should be put on Trial.

Having gone through the documents in support of the submission of the Petitioners, I would be inclined to hold that the Prosecution so far as the Petitioners are concerned, is unwarranted and deserves to be set aside.

Hence, the application is allowed and the proceedings including the order dated 5.4.2012 passed by the Sub Divisional Judicial Magistrate, Katihar, in G.R. Case No. 864 of 2005 arising out of Katihar Nagar (Sahayak) P.S. Case No. 220 of 2005 as against the Petitioners is hereby set aside.

(Anjana Prakash, J)

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