

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35018 of 2012

Arising Out of PS.Case No. -1160 Year- 2011 Thana -null District- MUZAFFARPUR

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1. Prem Kumar Singh, S/O Kapildeo Roy,
 2. Smt. Babita Kumari, W/O Prem Kumar Singh,
 3. Rahul Kumar, S/O Prem Kumar Singh, all resident of mohalla- Kanhauli Vishundatt, near the Masjid, Police Station- Mithanpura, District- Muzaffarpur
- Petitioner/s

Versus

1. The State of Bihar
2. Kadimbani Kumari, D/O Shatrudhan Prasad Thakur, resident of village and P.O.- Pirapur, P.S.- Piyaar, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

Learned counsel for the Petitioners seeks permission to withdraw the application so far as Petitioner No.3-Rahul Kumar is concerned to raise all these points at the relevant stage.

Permission is accorded.

The application is dismissed as withdrawn in so far as Petitioner No.3-Rahul Kumar is concerned.

Rest of the two Petitioners, who are parents-in-law, seek quashing of the order of cognizance dated 16.07.2012 passed by the Sub-Divisional Judicial Magistrate, East, Muzaffarpur, in Tr. No.2294 of 2012 arising out of Complaint Case No.1160 of 2011.

The case of the Complainant is that she was married to Petitioner No.3 on which occasion large number of gifts were given

to the in-laws. Later on, one child was also born out of wedlock but since her husband lost his job he started torturing her and demanding dowry. She also saw her husband indulging in all kinds of illegal activities and then filed the present case in the year 2011.

It has been submitted on behalf of the Petitioners that as is evident from the Complaint Petition main grouse of the Complainant is against the husband and the Petitioners have no role to play. It is also absurd that a person would be tortured for dowry for seven years and even after birth of a child.

Counsel for the Complainant submits that since the Petitioners are the parents-in-law, they are duty bound to ensure harmony between the spouses and hence, they should be put on trial.

Having considered the vague nature of allegation against the Petitioners, duration of marriage and relationship with the Complainant, the order of cognizance dated 16.07.2012 passed by the Sub-Divisional Judicial Magistrate, East, Muzaffarpur, in Tr. No.2294 of 2012 arising out of Complaint Case No.1160 of 2011 is hereby quashed in **so far as Petitioner Nos.1 and 2 are concerned.**

The application is allowed in part.

(Anjana Prakash, J)

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