

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39281 of 2012

Arising out of P.S. Case No. -1206 Year- 2010 Thana –
Complaint District- BUXAR

- =====
1. Ashutosh Pandey @ Bablu S/o Sri Vidyapati Pandey R/o Village- Ojhawalia, P.S.- Brahmpur, District- Buxar, At Present Govt. Quarter No. 456, P.S.- Shastrinagar, District- Patna.
 2. Vidyapati Pandey S/o Sri Krishna Pandey R/o Village- Ojhawalia, P.S.- Brahmpur, District- Buxar, At Present Govt. Quarter No. 456, P.S.- Shastrinagar, District- Patna.
 3. Durgawati Devi @ Pandey W/o Sri Vidyapati Pandey R/o Village- Ojhawalia, P.S.- Brahmpur, District- Buxar, At Present Govt. Quarter No. 456, P.S.- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Devi W/o Ashutosh Pandey @ Bablu, D/o Sri Rangnath Tiwary R/o Village- Dallupur, P.S.- Brahmpur, District- Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.

For the Opposite Party/s : Mr. Digvijay Kumar Ojha, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The Petitioners seek to withdraw the application
so far as the Petitioner No. 1 is concerned.

The application is dismissed as withdrawn with
regard to Petitioner No. 1.

Whereas the Petitioners No. 2 and 3 are
concerned they are the in-laws seek quashing of the order
of cognizance dated 11.05.2011 passed by the Sub-
Divisional Judicial Magistrate, Buxar in Complaint Case
No. 1206(C) of 2010 (Tr. No. 1577 of 2011).

The case of the Complainant is that she was



married to the Petitioner No. 1 on 28.02.2000 on which occasion large number of gifts were given to the in-laws. Later on she gave birth to two children in the years 2001 and 2004. However, the husband of the Complainant was unemployed and, hence, the accused started pressurizing her for bringing a certain amount to set up a business. When the demands were not fulfilled she was tortured for ends of dowry and then she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for ends of dowry even after a lapse of ten years and birth of two children. In fact there was some kind of incompatibility between the spouses which led to institution of the present case. The Petitioners No. 2 and 3 had been roped in so as to coerce the husband into compromising the matter.

On the other hand, the Counsel for the Complainant submits that since the Petitioners No. 2 and 3 were in-laws who were the controlling persons they should be put on trial.

At one point in time the matter was referred to the Mediation Centre but unfortunately the dispute could not be resolved.

Having considered the nature of allegations and

the duration of the marriage, in my view, the prosecution so far as the Petitioners No. 2 and 3 are concerned is unwarranted.

Hence, the proceeding as against the Petitioners including the order of cognizance dated 11.05.2011 passed by the Sub-Divisional Judicial Magistrate, Buxar in Complaint Case No. 1206(C) of 2010 (Tr. No. 1577 of 2011) is, hereby, set aside.

The application stands allowed.

However, quashment of the present proceeding shall have no bearing on the case of the husband.

Vikash/-

(Anjana Prakash, J.)

U		T	
---	--	---	--