

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.40136 of 2012**

Arising Out of Complaint Case No.C-869 Year- 2012 District- GAYA

1. Patit Pawan Pandey, son of late Ram Dev Pandey

2. Prashant Pandey, son of Patit Pawan Pandey

Both resident of village Jori, P.S. Jori, Distt. Chatra, State Jharkhand.

.... .... Petitioner/s

Versus

1. The State of Bihar

2. Nand Kishore Divedi, son of late Mahesh Diwedi, resident of village Barsaona,  
P.S. Vazeerganj, O.P. Tankuppa, Distt. Gaya.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kr. Singh, Adv.

Mr. Satyendra Pd. Singh, Adv.

For the State : Md. Nazir Ansari, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 06-07-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 5.6.2012 passed by the Sub Divisional Judicial Magistrate, Gaya, in C-869 of 2012, Trial No. 2298 of 2012.

The case of the Complainant is that the marriage of the Petitioner No. 2 was fixed with the daughter of the Complainant and the engagement ceremony was held but marriage was called off.

It has been submitted on behalf of the Petitioners that no doubt the marriage negotiation was initiated but neither any function had taken place nor the accused person ever accepted any money, and hence, the prosecution of the Petitioners is unjustified.

On the other hand, the counsel for the Complainant submits that since the Petitioners had accepted dowry, they should be put on Trial.

Having considered that all these allegations are merely oral in nature and if at all there is an allegation of giving dowry to the accused persons, the Complainant would be equally liable for Prosecution, in the interest of justice, the application is allowed and the Proceeding including the order of cognizance dated 5.6.2012 passed by the Sub Divisional Judicial Magistrate, Gaya, in C-869 of 2012, Trial No. 2298 of 2012, is hereby set aside.

**(Anjana Prakash, J)**

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