

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 16266 of 2012

Arising out of P.S. Case No. -933 Year- 2006 Thana –Complaint
District- KATIHAR

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1. Rabindra Kumar Arya @ Rabindra Kumar, Son of Late Surya Narain Poddar.
 2. Tara Devi, Wife of Late Surya Narain Poddar. Both are resident of Village-Goradih, P.S.-Pirpanti, District-Bhagalpur.
 3. Bijay Kumar Arya, Son of Sri Sukumar Poddar.
 4. Pappu Anand, Son of Sukumar Poddar.
 5. Manorma Devi, Wife of Sukumar Poddar.
 6. Sukumar Poddar, Son of Late Manik Chandra Poddar No. 3 to 6 are resident of Village-Bisanpur, P.S.-Mansahi, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Laxmi Devi, Wife of Sanjay Kumar Arya and Daughter of Krishnadev Poddar, Resident of Village-Durga Asthan, Colony No. 1, P.S. and District-Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. R. B. Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioners who are the in-laws seek quashing of the order of non-discharge dated 21.01.2012 passed by the Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 933 of 2006.

The case of the Complainant is that she was married to Sanjay Kumar Arya on 06.05.2001 according to Hindu Rituals. After three months when she became pregnant the in-laws started demanding dowry for opening a medical shop and then she was forcibly aborted at his Nanihal. When the case was instituted a compromise was entered into between the parties. However, when the cruelty continued by her husband and in-laws she then filed the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the marriage had taken place in the year 2001 and the demand was for opening a Medical Store which does not come within the definition of dowry. Moreover, the present Petitioners who are maternal parents-in-law and brother-in-law and they had no role to play in spousal incompatibility on account of the probable criminal antecedents of the husband.

On the other hand, Counsel for the Complainant submits that since the husband and others had not abided by the terms of agreement they should all be put on trial.

Having gone through the facts of the case and the nature of allegations as also the solemn affirmation from which it appears that the allegations with regard to abortion are imaginary, I am inclined to set aside the proceeding as against the Petitioners including the order of non-discharge dated 21.01.2012 passed by the Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 933 of 2006.

The Application stands allowed.

However, the quashment of the present proceeding shall have no bearing on any other prosecution.

(Anjana Prakash, J.)

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