

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28171 of 2013

Arising Out of PS.Case No. -2363 Year- 2012 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Satish Chandra Raut @ Satish Kumar Raut, S/O
 2. Sanjeev Kumar Raut, S/O Satish Kumar Raut,
 3. Sandeep Kumar Raut, S/O Satish Kumar Raut,
 4. Khusboo Devi @ Sruti Raut, W/O Sandeep Kumar Raut, all resident of mohalla- A.G. Colony, Qr. No. 1, C-50, Ashiyana Nagar, P.S. Shashtri Nagar, District Patna,
 5. Rashmi Devi @ Rashmi Kumar, W/O Gautam Kumar, D/O Satish Kumar Raut, at present resident of A/21, Sai Nath Park Society, Wasna Road, Baroada, District Baraouda (Gujrat).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Kumari, D/O Yogendra Mahto, at present resident of village Belwaganj, P.S. Laheriyasari, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. K. Dwivedi, Advocate

For the Opposite Party/s : Dr. Indiar Kumari, APP

Mr. Iqbal Asif Niazi, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-08-2015

Petitioner No.2 and the Opposite Party No.2 are physically present before this Court in Chambers.

While the Opposite Party No.2 wishes to go and live with the Petitioner No.2, he flatly refuses on the ground that he has two children from his first marriage who are afraid of the Opposite Party No.2 and he does not wish to jeopardize their lives.

Without going into veracity of such submission, this application is permitted to be withdrawn in so far as Petitioner No.2- Sanjeev Kumar Raut is concerned.

As for rest of the Petitioners, who are father-in-law, brother-in-law and sister-in-law of the Complainant, seek quashing of the order of cognizance dated 16.02.2013 passed by the Sub-Divisional Judicial Magistrate, Darbhanga, in Complaint Case CR No.2363 of 2012/Tr. No.3413 of 2013.

The case of the Complainant is that she was married to the Petitioner No.2 on 29.06.2012 as per Hindu rites and rituals and thereafter she started living in the matrimonial home. However, the accused persons started torturing her for ends of dowry and she suspected that her husband had illicit relationship with his sister-in-law i.e. Petitioner No.4. Finally, she was ousted from the matrimonial home whereafter she filed the present Complaint Petition.

It has been submitted on behalf of the Petitioners that main grouse of the Complainant appears to be against her husband, who allegedly had relationship with Petitioner No.4, and rest of the allegations appear to be complete vague and trumped up. More so, as is evident the marriage lasted hardly for six months which indicates that the Petitioners could not possibly have been involved in the said acts.

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

Having considered the vague and rambling nature of

allegation against the Petitioners except Petitioner No.2, the order of cognizance dated 16.02.2013 passed by the Sub-Divisional Judicial Magistrate, Darbhanga, in Complaint Case CR No.2363 of 2012/Tr. No.3413 of 2013 is hereby set aside **in so far as Petitioner Nos. 1 and 3 to 5 are concerned.**

The application is allowed in part.

(Anjana Prakash, J)

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