

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42580 of 2013

Arising Out of PS.Case No. -1109 Year- 2006 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Nibha Ghosh, W/O Late Mahesh Chandra Ghosh,
 2. Mukesh Kumar Ghosh,
 3. Pintu Kumar Ghosh, both sons of late Mahesh Chandra Ghosh, all resident of Mohalla- Tej Tola, P.S.-Katihar(S), District-Katihar,
 4. Beauti Kumari Ghosh, D/O Santosh Kumar Ghosh, resident of mohalla- Emergency Colony, P.S- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nitu Ghosh @ Pushpa, W/O Ranjan Ghosh, and D/O Late Santosh Kumar Sinha, resident of village- Chandpur, P.S- Kadwa, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Sah @ Barnwal, Advocate

Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioners, who are in-laws of the Opposite Party No.2, seek quashing of the order of non-discharge dated 02.09.2013 passed by the Sub-Divisional Judicial Magistrate, Katihar, in Complaint Case No.1109 of 2006.

The case of the Complainant is that she was married on 24.02.2015 with Accused No.1 on which occasion large numbers of gifts were given to the in-laws. However, when she came to her matrimonial home she was tortured for ends of dowry and even after several rounds of *Panchayati* the accused persons did not mend their ways and they all assaulted.

It has been submitted on behalf of the Petitioners that they are the mother-in-law, brother-in-law and cousin sister-in-law and, in fact, there was some point of difference with the husband and wife over visitation of some unwelcome people which has led to institution of the present case. In fact, the husband had filed a matrimonial suit under Section 9 of the Hindu Marriage Act bearing Matrimonial Suit No.98 of 2005 on 31.10.2005, whereas, the present Complaint Petition has been filed on 19.06.2006, more as a tool for creating a defence.

On the other hand, counsel for the Complainant submits that since the application filed by the husband has been dismissed, the Petitioners should also be put on trial.

Considering the vague nature of allegation against the Petitioners, the order of non-discharge dated 02.09.2013 passed by the Sub-Divisional Judicial Magistrate, Katihar, in Complaint Case No.1109 of 2006, is hereby set aside in so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J)

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