

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50238 of 2012

1. Shashibala Devi
2. Chandra Bhushan pandey
3. Krishna Devi
4. Meena Dubey & Meena Kumari
5. Reena Tiwari @ Reena Kumari

.... Petitioner/s

Versus

1. State of Bihar
2. Abha Devi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Mayanand Jha(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-05-2015

Heard learned counsel for the petitioners.

Learned counsel for the opposite party No. 2 and the learned A.P.P. are present.

The petitioners seek quashing of the order dated 10th October, 2012 passed by the learned S.D.J.M., Bettiah, West Champaran in S.C. No. 801 of 2012 (arising out of complaint case No. 149-C/2012) by which the learned S.D.J.M. has taken cognizance for the offences under Section 498A of the I.P.C. and under Sections 3, 4 of Dowry Prohibition act against the accused persons, including the petitioners.

The husband of the opposite party No. 2, Shashi Bhushan Pandey who was one of the accused had approached this

Court in Cr. Misc. No. 8153 of 2014 whereby, the prayer for quashing the order of cognizance has been rejected and application dismissed vide order dated 17th September, 2014.

The opposite party No. 2 is still living in her matrimonial house. An order was passed in Cr. Misc. No. 8153 of 2014 that she shall continue to do so and no one shall create any obstruction in her living condition.

Learned counsel for the opposite party No. 2, who has appeared and informed the Court that the opposite party No. 2 is living peacefully in matrimonial home and no obstruction has been created by any of the relations. In this connection it is submitted that the petitioners are mother-in-law, sister-in-law and brother-in-laws of the opposite party No. 2.

Since, the opposite party No. 2 is living peacefully in matrimonial house, as informed by her counsel not being disturbed by any of the petitioners, hence, the order of cognizance passed by the learned S. D. J. M., Bettiah, West Champaran in S.C. No. 801 of 2012 arising out Complaint Case No. 149-C of 2012 dated 10. 10. 2012 is quashed, so far as the present petitioners are concerned.

However, the opposite party No. 2 is at liberty to raise her grievance in the said proceedings before the Court below if her

peaceful living condition in her matrimonial house is disturbed by any of the above named petitioners of this application.

The application is allowed. Order of cognizance dated 10.10.2012 passed in S C 801/2012 (arising out of Complaint Case No. 149 -C/2012) is accordingly quashed so far it relates to the petitioners of the present application with conditions imposed hereinabove.

(Nilu Agrawal, J)

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