

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45311 of 2012

Arising Out of PS.Case No. -335 Year- 2011 Thana -null District- KISANGANJ

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1. Mukesh Kumar @ Mukesh Sah @ Guddu S/O Tarachand Sah
 2. Tarachand Sah S/O Late Mahadeo Sah
 3. Mina Devi W/O Tarachand Sah
 4. Guddi Kumari @ Asmriti Natisha D/O Tarachand Sah all are Resident Of Near Narpatganj Block, P.S.- Narpatganj, District- Araria
 5. Janardan Sah S/O Late Sriram Sah
 6. Asha Devi W/O Janardan Sah both Resident Of Mohalla- Gulabbagh P.S.- Sadar, District- Purnia

.... Petitioner/s

Versus

1. The State Of Bihar
2. Susmita Devi W/O Rakesh Kumar Sah @ Pappu Sah, D/O Late Bachha Lal Gupta Resident Of Near Narpatganj Block, P.S.- Dharamganj, Ward No. 28, P.S.- Kishanganj, District- Kishanganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the State : Mr. Rajballabh Singh, APP
For Opposite Party No.2 : Mr. Amit Kr. Anand, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 8.12.2011 passed by the Chief Judicial Magistrate, Kishanganj in Kishanganj P.S. case No.335 of 2011.

The case of the Informant is that she was married to Rakesh Kumar Sah @ Pappu Sah on 5.5.2005, whereafter she came to her matrimonial home. However, they started torturing her and meting out threats of burning her. On 24.1.2007 the accused persons in fact

attempted to burn her but she was somehow saved. When the matter was referred to the Panchayat it was decreed that the accused persons will keep her well but they did not do so and did not even pay her medical expenses when she gave birth to a child.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for ends of dowry for six years and even after birth of a child. Fact is that there was some incompatibility between the husband and wife which had led to institution of the First Information Report in which the Petitioners have been roped in only to bear pressure upon him.

On the other hand, the Counsel for the Complainant submits that since the husband is not ready to settle the dispute, the Petitioners should be put on trial.

Considering the vague nature of allegations as against the Petitioners, the application is allowed and the proceeding including the order of cognizance dated 8.12.2011 passed by the Chief Judicial Magistrate, Kishanganj in Kishanganj P.S. case No.335 of 2011 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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