

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.1174 of 2014**

Arising Out of PS.Case No. -2005 Year- 2013 Thana -PATNA COMPLAINT CASE District-  
PATNA

- =====
1. Ajit Kumar Srivastava Son Of Late Shashi Bhushan Prasad Resident Of Flat No. 5/4, Harmony Apartment, P.S.- Sarai Dhala, District- Dhanbad (Jharkhand).
  2. Anita Srivastava Wife Of Ajit Kumar Srivastava Resident Of Flat No. 5/4, Harmony Apartment, P.S.- Sarai Dhala, District- Dhanbad (Jharkhand).
  3. Anjali Srivastava D/O Ajit Kumar Srivastava Resident Of Flat No. 5/4, Harmony Apartment, P.S.- Sarai Dhala, District- Dhanbad (Jharkhand).
  4. Devesh Kumar Srivastava Son Of Late Hari Mohan Srivastava, Cousing Son-In-Law Of Ajit Kumar Srivastava, Resident Of Eden B-403, Sanghvi Park, Opp. Jargir Estate, Mira Road (E), P.S.- Mira Road, District - Thane (Maharastra).
  5. Amita Ahrivastava @ Ait Wife Of Devesh Kumar Srivastava Resident Of Eden B-403, Sanghvi Park, Opp. Jargir Estate, Mira Road (E), P.S.-Mira Road, District - Thane (Maharashtra).

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Richa Verma D/O Sri R.K. Verma, Wife Of Ajitabh Srivastava Resident Of Flat No. 23, Neelayan Aptt. Parma Nand Path, Nageshwar Colony, Patna-1, P.S.- Budha Colony, District- Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 21-04-2016**

The petitioners who are the in-laws of the Opposite Party no. 2 seek quashing of the order of cognizance dated 7.9.2013 passed in Complaint Case No. 2005C of 2013 by the Judicial Magistrate 1<sup>st</sup> class, Patna.

The case of the complainant is that she was married to Ajitabh Srivastava on 4.3.2009 where after she went to matrimonial

home but she was tortured for ends dowry and ousted from the matrimonial home.

It has been submitted on behalf of the petitioners that fact of the matter is that there was some incompatibility issue between the husband and wife which led to institution of the present case. The fact is that the petitioners are living separately and had no concerned with the affairs of the husband and wife.

On the other hand the complainant submits that since the petitioners are in-laws they should also be put on trial.

Be that as it may, considering the nature of allegations and the background history, the application is allowed and order of cognizance dated 7.9.2013 passed in Complaint Case No. 2005C of 2013 by the Chief Judicial Magistrate, Patna is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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