

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1868 of 2014

Arising Out of PS.Case No. -189 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Sumant Upadheyay S/O Late Badri Upadheyay Resident Of Village- Ossaon, P.S.- Kachhawa, Distt.- Rohtas
 2. Sri Niwash Upadheyay S/O Late Badri Upadheyay Resident Of Village- Ossaon, P.S.- Kachhawa, Distt.- Rohtas
 3. Sanjay Upadheyay S/O Sumant Upadhyaya Resident Of Village- Ossaon, P.S.- Kachhawa, Distt.- Rohtas
 4. Singaro Devi W/O Sumant Upadheyay Resident Of Village- Ossaon, P.S.- Kachhawa, Distt.- Rohtas
 5. Munia Devi W/O Sanjay Upadheyay Resident Of Village- Ossaon, P.S.- Kachhawa, Distt.- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. Binita Devi D/O Late Algoo Pandey R/O Village- Saraw, P.S.- Nashriganj, District- Rohtas

.... 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: 05-04-2016

In the nature of dispute notices had been issued to the
Opposite Party no. 2 but none appears on her behalf.

The petitioners who are the in-laws seek quashing of the
order of cognizance dated 01.05.2012 passed by the Sub-Divisional
Judicial Magistrate, Bikranganj Rohtas in Complaint Case No. 189 of
2012.

The case of the complainant is that she was married to one
Vinod Upadhyaya in the year 2008 where after she came to her

matrimonial home. However, she was ill-treated for reasons of dowry and the in-laws tried to burn her but somehow she saved herself. Hence she filed the present case.

It has been submitted on behalf of the petitioners that the fact of the matter is that the complainant was mentally ill which was sought to be treated by the husband and the Petitioner no. 1 which is evident from Annexure 2. It also appears that a report was called for by the S.P in regard to the ill-treatment of the petitioners towards the complainant which supported the fact of ailment of the complainant. In such circumstances, evidently the complaint appears to be frivolous.

Having gone through the compliant petition, I find that only vague and sweeping allegations have been made against the entire family members. In view of such, the application is allowed and the order of cognizance dated 01.05.2012 passed by the Sub Divisional Judicial Magistrate, Bikanranj Rohtas in Complaint Case No. 189 of 2012 is hereby set aside so far as the petitioners are concerned.

(Anjana Prakash, J)

Prakash/-

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