

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41252 of 2013

Arising Out of PS.Case No. -28 Year- 2012 Thana -RIVILGANJ District- SARAN

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1. Dinesh Kumar Yadav @ Dinesh Kumar, son of Vishnu Dayal Yadav @ Vishnu Dayal
 2. Ratnesh Kumar Yadav @ Ratnesh Kumar, son of Vishnu Dayal Yadav @ Vishnu Dayal
 3. Vishnu Dayal Yadav @ Vishnu Dayal, son of late Khub Lal Yadav
- All resident of village - Pahyan, P.S. Revilganj, District - Saran at Chapra (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Pallavi Kumari, wife of Dinesh Kumar Yadav @ Dinesh Kumar and daughter of Sri Janardan Prasad Yadav, resident of village - Pahyan, P.S. Revilganj, District - Saran at Chapra (Bihar), at present residing at Bimal Kamal, Mausam Colony, Ashok Puri, Khajpura, P.S. Shastri Nagar, District - Patna (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Narayan Singh, Adv.
For the State : Mr. G.S. Gupta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

Heard learned counsel for the Petitioners and the State.

The counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned to raise all the points at the relevant stage.

The rest of the Petitioners who are brother-in-law and father-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 20.3.2013 passed by the Chief Judicial Magistrate, Saran at Chapra, in connection with U.T. No. 68 of 2013 arising out of Revilganj P.S. Case No. 28 of 2012.

The case of the Informant is that she was married to the

Petitioner No. 1 in 2005 but, she was always tortured for ends of dowry. On the date of occurrence, she was assaulted with a Chhura and, hence, the present First Information Report.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person who was married in the year 2005 would have been tortured for ends of dowry for the next seven years. Evidently, there was some dispute between husband and wife which had also led to several ancillary litigations between them.

On the other hand, the counsel for the Informant submits that the entire family members were involved in perpetrating torture upon her and, therefore, they should be put on Trial.

Having considered the relationship of Petitioner Nos. 2 and 3 with the Informant and the duration of marriage, the application is allowed and the Proceeding including the order of cognizance dated 20.3.2013 passed by the Chief Judicial Magistrate, Saran at Chapra, in connection with U.T. No. 68 of 2013 arising out of Revilganj P.S. Case No. 28 of 2012, so far as the Petitioners No. 2 and 3 are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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