

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52735 of 2013

Arising Out of PS.Case No. -19 Year- 2010 Thana -SIDHWARA District- DARBHANGA

- =====
1. Shamima Khatoon W/O Late Md. Umar Resident Of Village- Jale, P.S.- Jale, District- Darbhanga
2. Abdullah Son Of Late Md. Umar Resident Of Village- Jale, P.S.- Jale, District- Darbhanga

.... Petitioner/s

Versus

- 1.The State Of Bihar
2. Naushaba Praveen @ Rubi W/O Zaved Ekwat @ Arsi, D/O Mansoor Alam Residing Of Village- Bhagwatipur, P.S.- Singwara, Dist- Darbhanga

.... 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: 18-03-2016

The petitioners who are mother-in-law and brother-in-law of the Opposite Party No. 2 seek quashing of the order dated 03.09.2013 by which the Adhoc Additional Sessions Judge IV, Darbhanga has refused to discharge the petitioners in Sessions Tr. No. 553 of 2012.

The case of the complainant is that she was married with the son of the Petitioner no. 1 about 9 years back and at that time huge amount of dowry was given to the in-laws. But after two years of the marriage she was tortured for ends of dowry and on one occasion the accused persons attempted to kill her on the way to Sasural but somehow she saved herself.

Submission on behalf of the petitioners is that It is impossible to believe that a person who was married 9 years back would be tortured for ends of dowry. There was some defect between them which led to institution of the matrimonial suit of divorce by the husband and it is only after receipt of the notice that the present case was instituted with trumped of charges.

On the other hand counsel for the complainant submits that since petitioners had tortured her, they should be put on trial.

Having considered the duration of marriage and relationship between the parties, I would be inclined to set aside the proceeding of the present complaint. Hence the application is allowed and the order dated 03.09.2013 by which the Adhoc Additional Sessions Judge IV, Darbhanga has refused to discharge the petitioners in Sessions Tr. No. 553 of 2012, is hereby set aside.

(Anjana Prakash, J)

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