

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36826 of 2014

Arising out of P.S. Case No. -233 Year- 2010 Thana -
SAMASTIPUR COMPLAINT CASE District- SAMASTIPUR

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1. Jagdeo Daha.
 2. Brahmdeo Daha Both sons of Late Khedan Daha.
 3. Punam Kumari @ Punam Devi wife of Brahmdeo Daha.
 4. Sonam Devi @ Sabnam Kumari @ Sabnam Devi wife of Jagdeo Daha. All residents of Village Singhiya Ghat P.S. Bibhutipur District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Kumari Wife of Ramesh Prasad resident of village Singhiya Ghat, P.S. Bibhutipur, District Samastipur, Present Address Anita Kumari D/o Rajendra Pd. Mahto resident of village Malhipur P.S. Hasanpur District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2016

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 30.09.2010 passed by the Sub-divisional Judicial Magistrate, Rosera, Samastipur in C.R. No. 233 of 2010/Tr. No. 2380 of 2010.

The case of the Complainant is that she was married to her husband Ramesh Prasad on 19.06.2003 whereafter she went to her matrimonial home but she was tortured for ends of dowry and finally ousted from matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person who was married in the year 2003 would be tortured for such long years for ends of dowry.

On the other hand, Counsel for the Complainant submits that the Petitioners are the family members they should have taken responsibility of ensuring that the marriage was congenial and, hence, they should be put on trial.

Having considered the duration of marriage and the relationship of the Petitioners with the Complainant, the proceeding including the order of cognizance dated 30.09.2010 passed by the Sub-divisional Judicial Magistrate, Rosera, Samastipur in C.R. No. 233 of 2010/Tr. No. 2380 of 2010 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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