

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15498 of 2013

Arising Out of PS.Case No. -784 Year- 2011 Thana -Rohtas Complaint CASE District- Sasaram
(Rohtas)

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1. Bharat Singh son of Janardan Singh.
 2. Bimal Singh son of Janardan Singh.
 3. Mamta Kumari daughter of Bharat Singh.
 4. Raju Singh son of Janardan Singh.
 5. Niranjana Singh son of Bharat Singh.

.... Petitioner/s

Versus

1. State of Bihar
2. Kanti Devi daughter of Vishwanath Singh.

.... 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: 21-01-2016

The petitioners seek quashing of the order of cognizance dated 17.12.2012 passed by the Sub-Divisional Judicial Magistrate, Bikramganj Rohtas in Complaint Case No. 784 of 2011.

The background facts is that Kanti Devi mother of the deceased instituted Complaint Case No. 784 of 2011 on 26.03.2010 stating therein that her son Kaushal Kishore Singh, the deceased used to work in Madhya Pradesh and used to like Petitioner no. 3. Even though proposals were sent to the girl's party but they were not ready for accepting the marriage. It is on account of this refusal that his son committed suicide on 23.03.2010. The case was initially investigated by the police and after no material was found in regard to instigation or abetment to suicide, final report was submitted. However, protest

petition was filed by the informant which was treated as complaint and five witnesses were examined. All five witnesses have only stated the fact that the deceased was in love with Petitioner no. 3 and there was a proposal of marriage but the girl's party had refused the same on account of which the deceased committed suicide.

The counsel for the petitioners submits that in this circumstance, no offence whatsoever is made out since there is no element of instigation or abetment to commit suicide in refusing the marriage even if believed.

On the other hand counsel for the complainant submits that since the petitioners did not allow the marriage, the deceased was aggrieved and committed suicide hence they should be put on trial.

Having considered the facts of case and that no criminal offence is made out and continuance of the trial would be nullity, further proceedings including the order of cognizance dated 17.12.2012 passed by the Sub-Divisional Judicial Magistrate, Bikramganj Rohtas in Complaint Case No. 784 of 2011 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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