

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7536 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

1. Arbind Kumar @ Arbind Kumar Mahto Ram Bilash Mahto Resident Of Village- Shahpur, P.S. Khodaband Pur District- Begusarai At Present Of Bishnupuri, Chitkohra, Anisabad, P.S. Gardanibagh, Distt.- Patna
2. Ram Bilash Mahto Late Tilo Mahto Resident Of Village- Shahpur, P.S. Khodaband Pur District- Begusarai At Present Of Bishnupuri, Chitkohra, Anisabad, P.S. Gardanibagh, Distt.- Patna
3. Rama Devi W/O Ram Bilash Mahto Resident Of Village- Shahpur, P.S. Khodaband Pur District- Begusarai At Present Of Bishnupuri, Chitkohra, Anisabad, P.S. Gardanibagh, Distt.- Patna
4. Arun Kumar Ram Bilash Mahto Resident Of Village- Shahpur, P.S. Khodaband Pur District- Begusarai At Present Of Rosara Bazar,P.S. Rosara, District- Samastipur
5. Amrendra Kumar Ram Bilash Mahto Resident Of Village- Shahpur, P.S. Khodaband Pur District- Begusarai At Present Of Bishnupuri, Chitkohra, Anisabad, P.S. Gardanibagh, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Anju Kumari D/O Sri Upendra Mahto Village- Bachouli, P.S. Khanpur, District- Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-04-2016

The petitioner seeks quashing of the order dated 24.10.2010 passed by the Sub-Divisional Judicial Magistrate, Samastipur in C.R. No. 1091 of 2004, T. R. No. 360 of 2010.

In the nature of dispute between the parties the matter was sent to the Meditation Centre but the Opposite Party no. 2 never appeared there.

A supplementary affidavit has been filed stating therein that the complainant has no interest in the matter since she has remarried.

Counsel for the Opposite Party no. 2 submits that he has no instruction from her.

The case of the complainant is that she was married to the Petitioner no. 1 on 25.06.2001 but she was tortured for ends of dowry and finally ousted from the matrimonial home on 02.10.2003.

The submission on behalf of the petitioners is that the complainant does not want to live with her husband and therefore, has instituted the present false complaint.

Be that as it may, I am not inclined to entertain the application so far as the Petitioner no. 1 is concerned. Hence the application so far as he is concerned is dismissed with direction to the Court below to conclude the trial positively, within four months from the date of receipt of a copy of this order without granting any unnecessary adjournment to any party.

As for the rest of the petitioners, in view of the vague nature of allegations against them and the fact that the husband had filed divorce case even before the present case, the application is allowed and the order dated 24.10.2010 passed by the Sub-Divisional Judicial Magistrate, Samastipur in C.R. No. 1091 of 2004, T. R. No.

360 of 2010 so far as the Petitioners no. 2-5 are concerned are hereby
set aside.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.4.2016
Transmission Date	25.4.2016