

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49978 of 2014

Arising Out of PS.Case No. -3444 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Pratibha Sinha Wife of Mrityunjay Prasad Sinha
2. Mrityunjay Prasad Sinha Son of Late Purusottam Prasad Sinha
3. Ripunjay Kumar @ Mantu Son of Mrityunjay Prasad Sinha
4. Radhika Devi, Wife of Ripunjay Kumar @ Mantu All are Resident of Village -
Shambhupatti, P.S.-Samastipur (Muffasil), Dist.-Samastipur

.... Petitioner/s

Versus

1. State of Bihar
2. Mausam Devi Wife of Abhishek Sinha, D/o Ram Swaroop Prasad Resident of
Village - Tengraha, P.S.-Meenapur, Dist.-Muzaffarpur

.... 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: 12-05-2016

The petitioners who are the in-laws seek quashing of
the order of cognizance dated 29.08.2014 passed in Complaint Case
No. 3444 of 2013, T.R. No. 2295 of 2014 by the Sub Divisional
Judicial Magistrate, (East) Muzaffarur.

The case of the complainant is that she was married to
Abhishek Sinha on 15.12.2012 on which occasion large number of
gifts were given but when she went to her matrimonial home she was
tortured for ends of dowry.

It has been submitted on behalf of the petitioners that in
fact the husband had discovered that the complainant used to talk to

somebody to which he objected, several villagers gathered in front of whom the problem was disclosed. The complainant then desired to go to her matrimonial home so the husband took her and dropped her there. It is then the present complaint was filed after the husband had filed Divorce Case no. 332 of 2013 to create a defence.

Learned counsel for the complainant submits that since the petitioners are family members they should also be put on trial.

Having considered the facts of the case, I am of the opinion that continuance of the present prosecution as against the petitioners in the facts of the case would be a gross abuse of the process of the Court. Hence the application is allowed and the order of cognizance dated 29.08.2014 passed in Complaint Case No. 3444 of 2013, T.R. No. 2295 of 2014 by the Sub Divisional Judicial Magistrate (East) Muzaffarur, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
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