

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32566 of 2013

Arising Out of PS.Case No. -359 Year- 2012 Thana -LAKHISARAI District- LAKHISARAI

1. Raju Vishwakarma Son Of Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
2. Malti Devi W/O Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
3. Sanjay Vishwakarma Sono F Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
4. Kanchan Devi Wife Of Sanjay Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
5. Pankaj Vishwakarma Son Of Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
6. Khusbu Devi Wife Of Pankaj Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
7. Ajay Vishwakarma Son Of Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
8. Anjani Devi Wife Of Ajay Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
9. Chandra Kanta Devi D/O Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
10. Alka Devi D/O Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
11. Arti Devi D/O Late Dev Lal Vishwakarma Resident Of Mohalla - Mohanpur Bazar Traffic Colony, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
12. Kundan Kumar S/O Late Narayan Vishwakarma Resident Of Mohanpur Bazar Near Shiv Mandir, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
13. Chandan Kumar S/O Late Narayan Vishwakarma Resident Of Mohanpur Bazar Near Shiv Mandir, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
14. Savitri Devi W/O Late Narayan Vishwakarma Resident Of Mohanpur Bazar Near Shiv Mandir, P.S. - Sudapdih, District - Dhanbad (Jharkhand)
15. Rajesh Vishwakarma Son Of Sahdeo Vishwakarma Resident Of Bhendu Basti, Hariharpur, P.S. - Gond, District - Gridih
16. Amar Nath Vishwakarma Son Of Ramjeevan Vishwakarma Resident Of Dimond Colony Railway Quarter, P.S. - Banka More, District - Dhanbad

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 21-01-2016

Learned counsel for the petitioners seeks permission to withdraw the application so far as the Petitioner no. 1 is concerned.

Prayer is allowed.

The rest of the petitioners are mother-in-law, brother-in-law, sister-in-law and cousins of the husband of the Opposite Party no. 2 who seek quashing of the order of cognizance dated 17.09.2012 passed by the Chief Judicial Magistrate, Lakhisarai in Lakhisarai P.S. Case No. 359 of 2012.

The case of the informant is that she was married to the Petitioner no. 1 on 09.07.2003 on which occasion large number of gifts were given to the in-laws but they started torturing and finally on 05.05.2012 she was ousted from the matrimonial home.

It has been submitted on behalf of the petitioners that it is impossible to believe that a person would be tortured for ends of dowry after 9 years of marriage by the in-laws. Evidently, there was some issue between the husband and wife as is apparent from Annexure 2 which is an application filed by the Petitioner no. 1 on 22.09.2010 for torture by his in-laws. The Petitioner no. 2 also filed an informatory petition before the Chief Judicial Magistrate on the same day regarding cruel behaviour of the informant. The husband had also filed a divorce case bearing Divorce Case No. 99 of 2012 on 13.03.2012.

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

Having gone through the merits of the case the application is allowed and the proceedings including the order of cognizance dated 17.09.2012 passed by the Chief Judicial Magistrate, Lakhisarai in Lakhisarai P.S. Case No. 359 of 2012 is hereby set aside so far as Petitioners no. 2-16 are concerned.

(Anjana Prakash, J)

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