

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39423 of 2013

Arising Out of PS.Case No. -653 Year- 2009 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Ravindra Nath Choubey S/O Devmuni Choubey Resident Of Village Choubeypur Chaklam, P.O. + P.S. Mohmmadabad, District Gazipur (U.P.).
2. Surendra Choubey @ Surendra Nath Choubey S/O Devmuni Choubey Resident Of Village Choubeypur Chaklam, P.O. + P.S. Mohmmadabad, District Gazipur (U.P.).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Shobha Devi W/O Ravindra Nath Choubey D/O Late Baijnath Tiwari Resident Of Village Choubeypur Chakalam, P.S. + P.O. Mohammadabad, District Gazipur (U.P.) At Present Village Chousa, P.S. Buxar (M), District Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Shankar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Rai-I(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 18-03-2016 Learned counsel for the petitioner seeks permission to withdraw the application so far as Petitioner no. 1 is concerned to avail his other remedy in accordance with law.

The Petitioner no. 2 is brother-in-law (Devar) of the Opposite Party no. 2 who seeks quashing of the order of cognizance dated 12.08.2013 passed by the S.D.J.M, Buxar in Complaint case No. 653 of 2009.

The case of the complainant is that she was married to the Petitioner no. 1 in the year 1991 but she was tortured for ends of dowry and finally ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner no. 2 that it is impossible to believe that a person who was married in the year 1991 would be tortured for ends of dowry. In fact there were some issues between the husband and wife which ended in institution of the present complaint.

On the other hand counsel for the Opposite Party no. 2 submits that since she was tortured, the petitioner should be put on trial.

Having considered the relationship of the Petitioner no. 2 with the complainant and the vague nature of allegations, the application is allowed and the order of cognizance dated 12.08.2013 passed by the S.D.J.M, Buxar in Complaint case No. 653 of 2009 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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