

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8761 of 2013

Arising Out of PS.Case No. -1576 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- -

- =====
1. Rajesh Kumar S/O Shri Harinandan Prasad Resident Of Village- Madanpur, Police Station- Dumra, District- Sitamarhi
 2. Harinandan Prasad S/O Late Ram Charitra Prasad Resident Of Village- Madanpur, Police Station- Dumra, District- Sitamarhi
 3. Smt. Maya Verma W/O Shri Harinandan Prasad Resident Of Village- Madanpur, Police Station- Dumra, District- Sitamarhi
 4. Mukesh Kumar S/O Shri Harinandan Prasad Resident Of Village- Madanpur, Police Station- Dumra, District- Sitamarhi

.... Petitioner/s

Versus

1. Thestate Of Bihar
2. Pratima Kumari W/O Rajesh Kumar, D/O Anjani Kumar Resident Of Village- Madanpur, Police Station- Dumra, District- Sitamarhi At Present Residing At Bibiganj Anandpuri, P.S.- Sadar, District- 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: 08-04-2016

In the nature of dispute an attempt was made to settle the same but it could not happen.

Be that as it may the application so far as the Petitioner no. 1 is concerned is permitted to be withdrawn.

The rest of the petitioners who are the in-laws of the Opposite Party no. 2 seek quashing of the order of cognizance dated 16.11.2012 passed by the Sub-Divisional Judicial Magistrate, Muzaffarpur in Complaint Case No. 1576 of 2012.

The case of the complainant is that she was married to the

Petitioner no. 1 on 23.05.2011 on which occasion large number of gifts were given to the in-laws but they started physically and mentally torturing her and finally ousted her on 18.01.2011 despite an attempt having been made for reconciliation even prior to institution of the present complaint.

The submission of the petitioners is that the fact is that there was some differences between the spouses and it is only to sort out the said dispute the present complaint has been filed which is evident from Annexure 3 and so far as the petitioners are concerned they had no role to play in the dispute.

On the other hand the complainant submits that since the petitioners are also family members they were responsible for ensuring that the matrimonial harmony was maintained which they did not do so, they should be put on trial.

Having considered the nature of allegation, the application is allowed and the order of cognizance dated 16.11.2012 passed by the Sub-Divisional Judicial Magistrate, Muzaffarpur in Complaint Case No. 1576 of 2012 is hereby set aside so far as petitioners no. 2-4 are concerned.

(Anjana Prakash, J)

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