

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40482 of 2014

Arising Out of PS.Case No. -1255 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

=====

1. Vijay Choubey Son of Late Gaya Prasad Choubey
2. Bachani Devi Wife of Vijay Choubey
3. Sonu Choubey Son of Vijay Choubey
4. Sandhya Kumari Daughter of Vijay Choubey, All resident of Village-Patanawa,
P.S.-Belaon, District-Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Munna Choubey, Daughter of Rajbansh Dubey, resident of
Village-Patanawa, P.S.-Belaon, District-Kaimur at Bhabua. At present address of
resident of village-Dharampur, P.S.-Sonhan, District-Kaimur at Bhabua.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the State : Mr. Aditya Narayan Singh-1, APP
For Opposite Party No.2 : Mr. Tribhuwan Narayan, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

In the nature of dispute between the parties, an attempt was made to settle the dispute between the husband and wife, but unfortunately it could not be resolved.

Be that as it may, the present Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 2.9.2014 passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabua in Complaint case No.1255 of 2013 (Trial No.5638 of 2014).

The case of the Complainant is that she was married to Munna Choubey on 21.5.2010, after which she went to her matrimonial home on 22.2.2011, but her husband started making

demands upon her for constructing the house and thereafter the accused persons tortured and ousted her from the matrimonial home.

It has been submitted on behalf of the Petitioners that if at all there was any grievance it was against the husband as is evident even from the Complaint Petition. The Petitioners had no role to play in the same and, therefore, they should not be put on trial.

On the other hand, the Counsel for the Complainant submits that there is specific allegation against all the accused persons of making a plan to burn her and, therefore, the instant application be dismissed.

Be that as it may, considering the vague and rambling nature against the present Petitioners, the application is allowed and the proceeding including the order of cognizance dated 2.9.2014 passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabua in Complaint case No.1255 of 2013 (Trial No.5638 of 2014) is hereby set aside as against the Petitioners are concerned.

The Trial Court is directed to conclude the trial of rest of the accused within a period of three months from the date of receipt of this order without granting unnecessary adjournments to any party.

Narendra/-

(Anjana Prakash, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2016
Transmission Date	16.07.2016