

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20220 of 2014

Arising Out of PS.Case No. -1717 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Deepak Kumar Son of Late Randhir Kumar
 2. Siromani Devi Wife of Randhir Kumar
 3. Seema Kumari Wife of Rajeev Kumar, All resident of village- Gandhi Nagar, P.S- K. Haat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar null null
2. Sanju Kumari @ Rupa Wife of Deepak Kumar Resident of Village- Gandhi Nagar, P.S- Haat, District- Purnea presently residing at village- Krishna Mandir, Tatma toli, P.S- Sahayak K. Hatt, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Kr.Singh, APP
For Opposite Party No.2 : Mr. Ram Pravesh Kr., Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2016

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as Petitioner No.1 is concerned to seek
his other remedies in accordance with law in connection with
Complaint case No.1717 of 2013 pending before the Sub Divisional
Judicial Magistrate, Purnea.

Application on behalf of the Petitioner No.1 stands
dismissed as withdrawn.

The rest of the Petitioners, who are the mother-in-law
and sister-in-law (Nanad) of the Opposite Party No.2, seek quashing

of the order of cognizance dated 22.3.2014 passed by the Sub Divisional Judicial Magistrate, Purnea in Complaint case No.1717 of 2013.

The case of the Complainant is that she was married to the Petitioner No.1 on 2.11.2006, whereafter she came to her matrimonial home but unfortunately she was tortured for ends of dowry and finally despite birth of a son she was ousted from the matrimonial home. The husband used to threaten her with consequences of a second marriage and despite an agreement in the Lok Adalat no workable solution could be worked out and hence the present Complaint.

It has been submitted on behalf of the Petitioners that as is apparent from the Complaint Petition the main grouse of the Complainant is against the husband, whereas the Petitioners had no role to play in the souring of the relationship. Moreover it is impossible to believe that a person would be tortured for ends of dowry for seven years.

On the other hand, the Counsel for the Complainant submits that since the Petitioners No.2 and 3 are also close family members, they should be put on trial.

Having vague nature of allegations and duration of marriage, the application is allowed and the proceeding including the

order of cognizance dated 22.3.2014 passed by the Sub Divisional
Judicial Magistrate, Purnea in Complaint case No.1717 of 2013 is
hereby set aside so far as the Petitioners No.2 and 3 are concerned.

(Anjana Prakash, J)

Narendra/-

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