

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.14728 of 2014**

Arising Out of Complaint Case No. -185 Year- 2013 District- DARBHANGA

- =====
1. Sanjay Sahani, S/O Dular Sahni
  2. Dular Sahni, S/O Nathuni Sahni
  3. Arhuliya Devi, W/O Dular Sahni

All are resident of village Korthu Tola Ghatha, P.S. Ghanshyampur, District Darbhanga.

.... .... Petitioner/s

Versus

1. The State Of Bihar.
2. Phulo Devi, D/O Jawahar Sahni, R/O Village Jaighatta, P.S. Bahera, District Darbhanga.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party No. 2 : Mr. Gajendra Pd. Yadav, Adv.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 03-02-2016**

Heard learned counsel for the Petitioners and the State.

In view of the fact that the Petitioner No. 1 seeks quashing on questions of fact which this Court is unable to consider, hence, the application is permitted to be withdrawn to enable him to seek other remedies in accordance with law.

As for Petitioners No. 2 and 3, they are parents-in-law of the Opposite Party No. 2 who seek quashing of the order of cognizance dated 21.9.2013 passed by the Sub Divisional Judicial Magistrate, Benipur, Distt. Darbhanga, in Complaint Case No. 185 of 2013.

It has been stated in the Complaint that the Complainant was married to Petitioner No. 1 about four years ago but since demand of dowry were not fulfilled, she was ousted from the matrimonial home. She then filed Bahera P.S. Case 208 of 2012 in which a bond was prepared and, thereafter, once again, the Parties started torturing her.

It has been submitted on behalf of the Petitioners that if at all the Complainant was aggrieved, she should have filed such an application in the earlier case instituted by her instead of filing a fresh Complaint.

Having considered the aforesaid, the application is allowed and Proceeding including the order of cognizance dated 21.9.2013 passed by the Sub Divisional Judicial Magistrate, Benipur, Distt. Darbhanga, in Complaint Case No. 185 of 2013, so far as the Petitioners No. 2 and 3 are concerned, is hereby, set aside.

**(Anjana Prakash, J)**

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