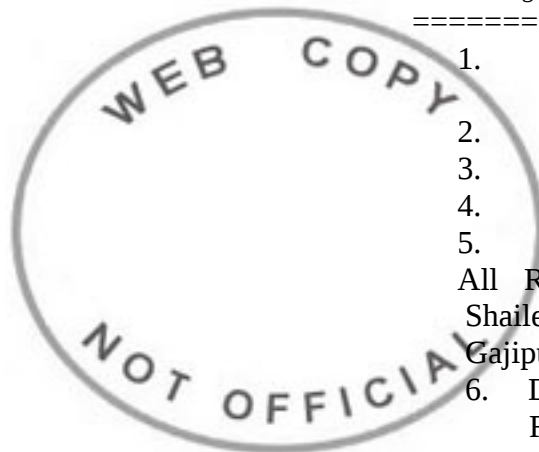


IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40439 of 2014

Arising Out of Complaint Case No.2298 Year- 2013 District- SIWAN



- =====
1. Shailendra Kumar @ Pintu, Son of Arbind Prasad (Husband)
 2. Arvind Prasad, Son of Bechu Prasad (Father-in-law)
 3. Geeta Devi, Wife of Arvind Prasad (Mother in law)
 4. Anju Devi, D/o Arvind Prasad (Nanad)
 5. Dharmendra @ Hitu, Son of Arvind Prasad (Devar)
- All Residents of village in front of Gandhi Memorial Shailendra Tent House, Bahadurpur, P.S.-Kasmabad, District-Gajipur (U.P.)
6. Dilip Prasad, Son of Mate Prasad, Resident of Kali Mahal Road, Varanashi, P.S.-Chetganj, District-Varanashi (U.P.)
 7. Vandana Kumari, D/o Ram Sewak Prasad
 8. Ram Sewak Prasad, Son of Joyti Prasad
 9. Guddu Prasad, Son of Ram Sewak Prasad,
- All Sl. Nos. 6 to 9 are resident of village-Ranipur, P.S.-Bhelpur, District-Varanasi (U.P.)
10. Gopal Jee Prasad @ Gopal Prasad, Son of Sanu Prasad
 11. Munni Devi, Wife of Gopal Jee Prasad,
- 10 and 11 are resident of Village-Hukalganj, P.S.-Pandeypur, District-Varanashi (U.P.)

....
Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, Wife of Shailendra Kumar @ Pintu, D/o Ganesh Prasad, Residents of village in front of Gandhi Memorial Shailendra Tent House, Bahadurpur, P.S.-Kasmabad, District-Gajipur (U.P.) at present r/o Bidurtihata, P.S.-Siwan, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the State : Mr. Madan Kumar, A.P.P.
For the Opposite Party No. 2 : Mr. Bijay Prakash Singh, 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.

The Petitioner No. 1 who is the husband of the Opposite Party No. 2 seeks permission to withdraw the application to seek his other

remedies in accordance with law which prayer is allowed.

The rest of the Petitioners who are family members of the Petitioner No. 1 seek quashing of the order of cognizance dated 30.11.2013 passed by the Sub Divisional Judicial Magistrate, Siwan, in Complaint Case No. 2298 of 2013.

The case of the Complainant is that she was married to the Petitioner No. 1 on 17.2.2009 after which she came to her matrimonial home. However, the in-laws started pressurizing her for bringing additional dowry and when the said demand was not fulfilled, she was assaulted on account of which her leg was broken and she aborted. She also learnt that her husband had remarried.

It has been submitted that father of the Complainant had filed Kasmabad P.S. Case No. 302 of 2011 against the in-laws for the same cause of action whereas the present Complaint has been filed with additional grievance that the husband had remarried and, hence, Section 494 of Indian Penal Code also be added.

Since this is no reason why a fresh Complaint should be filed, the application is allowed and the Proceeding including the order of cognizance dated 30.11.2013 passed by the Sub Divisional Judicial Magistrate, Siwan, in Complaint Case No. 2298 of 2013, is hereby, set aside.

(Anjana Prakash, J)

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