

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36090 of 2014

Arising Out of PS.Case No. -2604 Year- 2007 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Kaushal Kishore Gautam son of Birendra Prasad Singh
 2. Dablu Kumar Singh son of Birendra Prasad Singh
 3. Priti Kumari daughter of Birendra Prasad Singh
 4. Pinki Kumari daughter of Birendra Prasad Singh
 5. Shyama Devi wife of Birendra Prasad Singh
 6. Birendra Prasad Singh son of late Rajdeo Singh, all resident of Mohallah Purani Gudari, ward No.9, P.S. Bettiah Town, District West Champaran at Bettiah (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi daughter of Mahadeo Sharma, resident of village Belwa, P.S. Bettiah Muffassil, District West Champaran at Bettiah (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. S. Dayal, APP
For Opposite Party No.2 : Mr. Sanjeev Kr. No.1, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-02-2016

Mr. Rakesh Kumar, learned Counsel for the Petitioners seeks permission to withdraw the application on behalf of the Petitioner No.1 Kaushal Kishore Gautam to raise all these points at the stage of trial in connection with Complaint case No.2604C of 2007 (S.C. 257 of 2014) pending before the Sub Divisional Judicial Magistrate, West Champaran at Bettiah.

Application filed on behalf of the Petitioner No.1 stands dismissed as withdrawn.

The rest of the Petitioners, who are the in-laws, seek

quashing of the order of cognizance dated 7.7.2014 passed by the Sub Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Complaint case No.2604C of 2007 (S.C. 257 of 2014).

The case of the Complainant is that she was married to the Petitioner No.1 on 8.5.2007 and after which she came to the house of the in-laws. However, she was tortured for ends of dowry and on 6.7.2007 she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that matters would come to head within two months of the marriage and the Complainant would be ousted from the matrimonial home within such a short span of time. Evidently the reasons are otherwise which has been mentioned in the Divorce petition filed on behalf of the Petitioner No.1.

On the other hand, the Counsel for the Complainant submits that since the trial is going on, the court should not interfere in the matter.

In the facts of the case, I would hold that the prosecution of the Petitioners No.2 to 6 is unwarranted and deserves to be set aside. Hence, the application is allowed and the proceeding the order of cognizance dated 7.7.2014 passed by the Sub Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Complaint

case No.2604C of 2007 (S.C. 257 of 2014) is hereby set aside.

The Principal Judge, Family Court, West Champaran at Bettiah is directed to conclude the proceedings positively within a period of three months from the date of receipt of this order without granting unnecessary adjournments to any party.

(Anjana Prakash, J)

Narendra/-

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