

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 23414 of 2010

Arising out of P.S. Case No. -24 Year- 2008 Thana –Munger
Muffasil District- MUNGER

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Jairam Thakur, Son of Ram Anuj Thakur, Resident of Village-
Rampur Nahar, Police Station-Sangrampur, District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Juli Dei, Wife of Sanjit Thakur, Village-Rampur Naihar, P.S.-
Sangrampur, A/P Juli Devi, D/o Wakil Thakur, Village
Singeshwar Tola, Nawagarhi, P.S.-Muffasil, District-Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-01-2016

The Petitioner who is the elder brother-in-law of the
Complainant seeks quashing of the order of non-discharge
dated 07.06.2010 passed by the Additional Sessions Judge,
F.T.C.-1, Munger in Munger Muffasil P.S. Case No. 24 of
2008.

The case of the prosecution is that the Informant
was married to Sanjeet Kumar Thakur brother of the
Petitioner on 22.06.2003 whereafter she started staying in her
matrimonial home. However, the in-laws started demanding
dowry which could not be fulfilled. On 02.12.2006, the
accused persons assaulted her with iron rods due to which
she aborted and then she was ousted from the matrimonial
home.

It has been submitted on behalf of the Petitioners that he is elder brother of the husband of the Complainant and even though occurrence is said to have taken place on 02.12.2006 the Complaint has been filed almost one year later on 20.11.2007 which itself raises a reasonable suspicion about the veracity of the allegation. Moreover, the husband of the Complainant being aggrieved with the action of the Complainant had earlier filed Matrimonial Case No. 124 of 2007 before the Principal Judge, Family Court, Munger under Section 9 of the Hindu Marriage Act on 09.10.2007. When the Complainant received notice of the same on 21.11.2007 she instituted the present Complaint in order to create a defence. Evidently, the allegations are all trumped up only with a view to preempt any action in the matrimonial suit has been instituted in the background facts of the case.

Considering the aforesaid, the proceeding including the order of non-discharge dated 07.06.2010 passed by the Additional Sessions Judge, F.T.C.-1, Munger in Munger Muffasil P.S. Case No. 24 of 2008 is, hereby, set aside so far as the Petitioner is concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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