

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

**Criminal Miscellaneous No.18089 of 2014**

Arising Out of PS.Case No. -40 Year- 2012 Thana -MAHILA P.S. District- MUNGER

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1. Yamuna Prasad Yadav, son of late Shiv Ratan Yadav  
2. Suryamukhi Devi, wife of Yamuna Prasad Yadav  
3. Shyam Babu Yadav @ Babloo, Son of Yamuna Prasad Yadav  
4. Ghanshyam Babu Yadav @ Ghanshyam Yadav @ Dabloo  
Both sons of Yamuna Prasad Yadav  
All are resident of Mohalla-Critian Quarter, Bettiah, P.O. + P.S. Bettiah (Town)  
District-West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Ankita Bharti, D/o Sachidanand Yadav, Resident of Mohalla-Krishnapur,  
Mongher, P.O. + P.S.-Mongher, District-Mongher.

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

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**Appearance :**

For the Petitioner/s : Mr. Akhileshwar Kumar Srivastava, Adv.  
For the State : Mr. Satyendra Pd., A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL JUDGMENT**  
**Date: 18-03-2016**

Heard learned counsel for the Petitioners and the State.

The counsel for the Petitioners seeks permission to  
withdraw the application so far as the Petitioner No. 3 is concerned to  
avail his other remedies in accordance with law.

The application filed against the Petitioner No. 3 stands  
dismissed as withdrawn.

The rest of the Petitioners who are the parents-in-law and  
brother-in-law of the Opposite Party No. 2 seeks quashing of the order  
of cognizance dated 11.2.2014 passed in Mahila P.S. Case No. 40 of

2012 by the Chief Judicial Magistrate, Munger

The case of the Informant is that she was married to the Petitioner No. 3 on 25.2.2012 whereafter she came to Munger but she was not treated well for the reasons of dowry and, thereafter, ousted from her matrimonial home.

It has been submitted on behalf of the Petitioners that in fact, Petitioner No. 3 had filed Divorce Case No. 309 of 2012 on 6.11.2012 in which summons were issued to the Informant and it is thereafter that the present Complaint was filed on 20.12.2012 in order to create a defence.

On the other hand, the counsel for the Informant submits that since the Petitioners are also family members, they should be put on Trial.

Having gone through the background facts of the case, the application is allowed so far as Petitioners No. 1, 2 and 4 are concerned and the order of cognizance dated 11.2.2014 passed in Mahila P.S. Case No. 40 of 2012 by the Chief Judicial Magistrate, Munger, is hereby, set aside.

**(Anjana Prakash, J)**

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