

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42142 of 2014

Arising Out of PS.Case No. -2121 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Kundan Kumar S/o Prabhat Chandra Vishwakarma
2. Prabhat Chandra Vishwakarma S/o Late Ishwar Chandra Vishwakarma
3. Lalita Devi @ Lalita Kumari Sharma W/o Prabhat Chandra Vishwakarma All
Resident of Mohalla nai Bazar, Buxar, Near Bari Masjid, Police Station Buxar
Town, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Kumari W/o Kundan Kumar and D/o Sri Gauri Shankar Sharma Resident
of Emergency Colony, Railway Quarter No. 498/C, Police Station Katihar Town,
District Katihar (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-04-2016

It has been submitted that the matter has been referred to the
meditation centre by the Hon'ble Supreme Court.

In view of such, the application so far as the Petitioner no. 1
who is the husband is concerned is permitted to be withdrawn.

The rest of the petitioners who are the parents-in-law seek
quashing of the order of cognizance dated 12.03.2014 passed by the
Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 2121 of 2013.

The case of the complainant is that she was married to the
Petitioner no. 1 on 27.04.2003 where after she went to the

matrimonial home but she was tortured for ends of dowry and ousted from the matrimonial home.

It has been submitted on behalf of the petitioners that the petitioners are the parents-in-law of the complainant and it is impossible to believe that a person would be tortured for ends of dowry for such a long period. Evidently the grouse is elsewhere. Moreover the complaint has been filed more than 1½ years after her ouster from the matrimonial home.

On the other hand the complainant submits that since the petitioners are parents-in-law they should have taken steps for ensuring that the marriage was smooth and hence they should be put on trial.

Having considered the duration of marriage and relationship of the petitioners with the complainant as also general and sweeping nature of allegation, the application is allowed and the order of cognizance dated 12.03.2014 passed by the Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 2121 of 2013, is hereby set aside so far as the petitioners no. 2 & 3 are concerned.

(Anjana Prakash, J)

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