

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14113 of 2011

Arising out of P.S. Case No. -201 Year- 2009 Thana -Sadar
District- MUZAFFARPUR

- =====
1. Gauri Shankar Pandey, Son of Late Deo Nandan Pandey.
 2. Ramjyoti Devi, Wife of Gauri Shankar Pandey.
 3. Shubj Narayan Pandey @ Tunna, Son of Gauri Shankar Pandey.
 4. Reema Devi, Wife of Shubj Narayan Pandey. All are resident of Village-Deoria Kothi, P.S.-Deoria, District-Muzaffarpur. At present resident of Mohalla-Alkapuri Naya Tola, P.S.-Sadar, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abha Devi, Wife of Laxmi Narayan Pandey @ Munna, Resident of Village-Deoria Kothi, P.S.-Deoria, District-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindr Kishore Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The Petitioners who are the in-law of the Opposite Party No. 2 seek quashing of the order dated 29.06.2010 passed by the Judicial Magistrate, 1st Class, Muzaffarpur in Tr. No. 1351 of 2011 arising out of Sadar P.S. Case No. 201 of 2008.

The case of the Complainant is that she was married to Laxmi Narayan Pandey @ Munna in 1994 but when she went to her matrimonial home she was tortured despite having given birth of two children. It was under these circumstances that she filed the present Complaint.

It has been submitted on behalf of the Petitioners

that evidently the allegations appear to be false and it is impossible to believe that a person would be tortured for ends of dowry even after two children were born.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf despite service of notice.

Having considered the background facts of the case and the duration of marriage, the proceeding including the order dated 29.06.2010 passed by the Judicial Magistrate, 1st Class, Muzaffarpur in Tr. No. 1351 of 2011 arising out of Sadar P.S. Case No. 201 of 2008 is, hereby, set aside so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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