

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

**Criminal Miscellaneous No.8787 of 2011**

Arising Out of Complaint Case No. 1740 of 2009 District- WEST CHAMPARAN (BETTIAH)

- =====
1. Rajan Kumar
  2. Binod Kumar
  3. Dharmendra Prasad Gupta
  4. Surendra Kumar Gupta @ Surendra Prasad Gupta
  5. Narendra Kumar Gupta @ Nagendra Prasad Gupta
- All sons of late Gopalji Prasad
6. Parwati Devi, wife of late Gopalji Prasad
  7. Gayatri Devi, w/o Binod Kumar
- All resident of Village- Pakariya, P.S.- Paharpur, District- East Champaran

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Mrs. Pinki Devi, W/O Rajan Kumar, Resident Of Village- Pakariya, P.S.- Paharpur, District- East Champaran, Presently Residing At Village- Chanpatia, P.S.- Chanpatia, District- West Champaran

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

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**Appearance :**

For the Petitioner/s : None.

For the State : Smt. Rina Sinha, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 09-05-2016**

No one appears on behalf of the Petitioners.

The application so far as the Petitioner No. 1 is permitted to be withdrawn to enable him to raise all the points at the relevant stage.

The rest of the Petitioners who are in-laws seek quashing of the order of cognizance dated 30.12.2010 passed by the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Complaint Case No. 1740 of 2009/Tr. No. 2025 of 2011.

The case of the Complainant is that she was married to the Petitioner No. 1 on 12.5.1999 whereafter she came to her

matrimonial home. However, the in-laws along with her husband started torturing her so, her father filed a Complaint Case upon which Chanpatia P.S. Case No. 20 of 2001 was instituted. After investigation, charge sheet was submitted but, on mutual agreement, the accused were discharged. After they were discharged, once again, they started torturing her and, hence the present Complaint.

The submission of the Petitioners is that in fact, it was the Complainant who was dissatisfied with the dark complexion of her husband and there was no reason for them to torture her for reasons of dowry. Since the marriage was solemnized against her wishes, she did not like her husband and due to her cruel nature from very beginning the marriage could not succeed despite several attempts. In such circumstances, the Petitioners deserve to be exonerated from prosecution.

Be that as it may, considering the aforesaid facts and circumstances of the case, the application is allowed and the order of cognizance dated 30.12.2010 passed by the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Complaint Case No. 1740 of 2009/Tr. No. 2025 of 2011, so far as the Petitioners No. 2 to 7 are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

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