

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 37128 of 2014

Arising out of P.S. Case No. -1066 Year- 2010 Thana -
MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Shankar Dayal Sah @ Shankar Dayal Sao Son of Late Nathilal Sah
Resident of Village - Mahanth Maniyari, P.S. - Maniyari, District -
Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Devi Wife of Jai Prakash Sah Resident of Village - Mahanth
Maniyari, P.S. - Maniyari, Dist. - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2016

The Petitioner who is the father-in-law of the
Opposite Party No. 2 seeks quashing of the order of discharge
dated 02.07.2014 passed by the Sub-divisional Judicial
Magistrate, West, Muzaffarpur in Tr. No. 1548 of 2014 arising
out of Complaint Case No. 1066 of 2010.

The case of the Complainant is that she was
married to the son of the Petitioner on 15.06.2005 whereafter
a child was born in the year 2007 but she was not treated
well and tortured for ends of dowry and thereafter ousted
from the matrimonial home.

It has been submitted on behalf of the Petitioner
that he lives in his village home whereas the Complainant
used to live with her husband at Kolkata and he had no

concern with the daily affairs of the husband and wife.

On the other hand, Counsel for the Complainant submits that since the Petitioner is the father-in-law he should take responsibility of the family he should be put on trial.

Having considered the relationship of the Petitioner and the duration of marriage, the proceeding including the order of discharge dated 02.07.2014 passed by the Sub-divisional Judicial Magistrate, West, Muzaffapur in Tr. No. 1548 of 2014 arising out of Complaint Case No. 1066 of 2010 is, hereby, set aside so far as the Petitioner is concerned.

The Application stands allowed.

Vikash/-

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(Anjana Prakash, J.)