

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39645 of 2014

Arising Out of PS.Case No. -1105 Year- 2005 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Santosh Kumar S/o Sri Krishna Prasad @ Krishna Mahto
2. Ashok Kumar S/o Sri Krishna Prasad @ Krishna Mahto
3. Sunder Kali Devi w/o Sri Krishna Prasad @ Krishna Mahto
4. Madhubala w/o Ashok Kumar
5. Sri Krishna Prasad @ Krishna Mahto S/o Late Ram Hari Mahto, All resident of
mohalla - Mela Tand Samlong, P.S. - Namkum District - Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi W/o Santosh Kumar, D/o Mundrika Singh, Resident of Village -
Bhagwan Bigha, P.S. - Rohtas (Amjhore), District - Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

Mr. Rakesh Singh, Advocate

For the State

: Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-05-2016

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.1 is concerned to
seek his remedies in accordance with law.

Prayer is allowed.

The rest of the Petitioners, who are the in-laws of the
Opposite Party No.2 seek quashing of the order dated 9.9.2013 passed
by the S.D.J.M., Dehri in Complaint case No.1105 of 2005 (Trial
No.250 of 2013), which was affirmed by order dated 13.8.2014
passed by the Additional Sessions Judge IV, Rohtas at Sasaram in
Criminal Revision No.275 of 2013.

The case of the Complainant is that she was married to

the Petitioner No.1 in the year 1992 but when she went to her matrimonial home she was tortured for ends of dowry and hence the present Complaint.

It has been submitted on behalf of the Petitioners that they all used to stay separate and therefore there was no question of them participating in the occurrence. The Complaint also contains vague allegations as regards the Petitioners which is not believable since the marriage had taken place way back in the year 1992 whereas the present Complaint has been filed in the year 2005.

No one appears on behalf of the Opposite Party No.2.

Having considered the nature of relationship between the Petitioners No.2 to 5 and the Complainant as also the vague nature of allegations and the duration of marriage, the application is allowed and the proceeding including the order dated 9.9.2013 passed by the S.D.J.M., Dehri in Complaint case No.1105 of 2005 (Trial No.250 of 2013) as also the order dated 13.8.2014 passed by the Additional Sessions Judge IV, Rohtas at Sasaram in Criminal Revision No.275 of 2013 is hereby set aside so far as the Petitioners No.2 to 5 are concerned.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
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