

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17578 of 2013

Arising Out of PS.Case No. -70 Year- 2012 Thana -KAMTAUL District- DARBHANGA

1. Sudha Devi @ Suman Gupta, d/o Kamal Prakash, w/o Ranjeet Kumar Gupta
2. Ranjeet Gupta @ Ranjeet Kumar Gupta, S/O Kusheshwar Prasad Sah
Both resident of village- Pethiagachhi, Police Station- Samastipur Town, District- Samastipur, Present Address Janakpur, Anchal-Mahotari, District- Jaleshwar, Country- Nepal

.... Petitioner/s

Versus

1. The State of Bihar
2. Dolly Gupta, wife of Ved Prakash, daughter of Jagdish Prasad, resident of Pethiagachhi, P.S. Samastipur Town, Distt. Samastipur, at present address resident of Bariaul, P.S. Kamtaul, Distt. Darbhanga.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Adv.

For the State : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the Petitioners and the State.

The Petitioner No. 1 is the sister-in-law and Petitioner No. 2 her husband seek quashing of the order dated 24.1.2013 passed by the Chief Judicial Magistrate, Darbhanga, in Kamtaul P.S. Case No. 70 of 2012 under Section 498 A Indian Penal Code.

The case of the Complainant is that she was married to the brother of the Petitioner No. 1 on 17.6.2010 but when she went to the matrimonial home, she was tortured for ends of dowry and, thereafter, ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that

the Petitioner No. 2 is an Electrical Engineer and permanently resides in Nepal posted as Lecturer at Tribhuwan University Institute of Engineering, Paschimanchal Campus, Pokhara, Lama Chaur, Nepal whereas Petitioner No. 1 is married to him since the year 1997 and permanently resides with him. There was no occasion for them to interfere with the daily affairs of the Complainant.

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

Considering the fake nature of allegation against the present Petitioners as also that they reside in Nepal, the application is allowed and the Proceeding including the order dated 24.1.2013 passed by the Chief Judicial Magistrate, Darbhanga, in Kamtaul P.S. Case No. 70 of 2012, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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