

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51633 of 2013

Arising Out of PS.Case No. -424 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Grishma Rani W/O Anand Shanker Resident Of Village- Maranchi Bhagat Tola, P.S.- Maranchi, District- Patna
 2. Anand Shanker S/O Arvind Kumar Singh @ Bhola Singh Resident Of Village- Maranchi Bhagat Tola, P.S.- Maranchi, District- Patna
 3. Pramila Devi @Pramila Kumari W/O Bishundev Singh Resident Of Village- Sabaura, P.S.- Barauni, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sweta Sharma W/O Mukesh Kumar Singh At Present Residing In The House Of Dinesh Sharma, Village- Salimpur, P.S.- Bakhtiyarpur, District- Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

The petitioners who are married sister- in-law and the brother- in-law of the Opposite Party no. 2 seek quashing of the order of cognizance dated 25.07.2012 passed by the Sub-Divisional Judicial Magistrate, Barh, Patna in Complaint Case No. 424C of 2012.

The case of the complainant is that she was married to one Mukesh Kumar on 25.06.2010 where after she went to Delhi where her husband was working. However, she was tortured and sent to matrimonial home for getting more money and when the demands could not fulfill, the sister-in-law snatched her gold ornaments and

sent her to maternal home.

The counsel for the petitioners submits that evidently the husband and wife is living in Delhi and the petitioners had no role to play in their affairs. Fact is that the husband on account of certain reasons filed a Matrimonial Case bearing HMA No. 240 of 2012 for divorce before the Family Court in Sought Delhi at Saket on 23.03.2012 whereas the present complaint was filed 05.07.2012 after having learnt about the petitioners case in order to create defence.

On the other hand counsel for the complainant submits that since the petitioners are family members they should be put on trial.

Having considered the relationship between the parties as also the fact that the complainant was living in Delhi where she was working and the factum of the divorce case having been filed by the husband, the application is allowed and the order of cognizance dated 25.07.2012 passed by the Sub-Divisional Judicial Magistrate, Barh, Patna in Complaint Case No. 424C of 2012, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--