

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21936 of 2013

Arising out of P.S. Case No. -2346 Year- 2012 Thana -SARAN
COMPLAINT CASE District- SARAN

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1. Radhe Shyam Baitha Son of Late Ambika Baitha Resident of Village Sadikpur, P.S. Pachrukhi, District- Siwan, At Present Kripakunj, Chandyapuri, Chas Road, P.S. + District Bokaro (Jharkhand).
 2. Sakila Devi Wife of Radhey Shyam Baitha Resident of Village Sadikpur, P.S. Pachrukhi, District- Siwan, At Present Kripakunj, Chandyapuri, Chas Road, P.S. + District Bokaro (Jharkhand)
 3. Manju Devi Wife of Bir Bahadur Baitha Resident of Manju Niwas, Chas Road, Chankyapur, Bokaro, P.S. Chas, District Bokaro (Jharkhand).
 4. Gudiya Devi @ Archana Wife of Satis Baitha Resident of Project Hostel Quarter No. 23, Bihar Agriculture University Campus Sabour, Bhagalpur (Bihar). Petitioner/s

Versus

1. The State of Bihar.
 2. Jai Prakash Baitha Son of Late Bhola Baitha Resident of Village Jalalpur, P.O. Gultanganj, P.S. Chapra Muffasil, District Saran.
 3. Indu Devi, D/o Jai Prakash Baitha, Resident of Village-Jalalpur, P.O.-Gultanganj, P.S. Chapra Muffasil, District-Saran. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. R. Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

The Petitioners who are the in-laws of the Opposite Party No. 3 seek quashing of the order of cognizance dated 30.11.2012 passed by the Sub-divisional Judicial Magistrate, Saran at Chapra in Complaint Case No. 2346 of 2012.

The case of the Complainant is that Indu Devi his daughter was married to Satya Prakash on 23.11.2008 whereafter her daughter went to the in-laws

house but they started to torture her and demanded Rs. 10,000,00/- on account of non-fulfilment of the same she was thrown out from the matrimonial home.

It has been submitted on behalf of the Petitioners that the husband used to reside at Jamshedpur who was living separately with his wife whereas the Petitioners were living at Bhagalpur. They had no concern with the affairs of the spouses when the relation-ship had soured on account of some other reasons.

On the other hand, Counsel for the Complainant submits that since the Petitioners are relatives of the husband of the Complainant they should be put on trial.

Having considered the nature of allegations against the Petitioners, the proceeding including the order of cognizance dated 30.11.2012 passed by the Sub-divisional Judicial Magistrate, Saran at Chapra in Complaint Case No. 2346 of 2012 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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