

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.16501 of 2013**

Arising Out of Complaint Case No.1015(C) Year- 2012 District- PATNA

- =====
1. Manoj Rai, s/o late Mukha Rai
  2. Pushpa Devi, w/o Manoj Rai
  3. Ram Sakhi Devi, w/o late Mukha Rai
  4. Sanoj Rai, s/o late Mukha Rai

All residents of Mohalla- Gola Road, P.S.- Danapur, District- Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Kumari Devi, W/O Manoj Rai, resident of Gola Road, P.S.- Danapur, District- Patna

.... .... Opposite Party/s

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**Appearance :**

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

For the State : Mr. Arun Kumar, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 02-05-2016**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek permission to withdraw the application so far as the Petitioner No. 1 is concerned to raise all the points at the relevant stage.

The application as against the Petitioner No. 1 is dismissed as withdrawn.

The rest of the Petitioners who are described as in-laws by the Complainant seek quashing of the order of cognizance dated 12.10.2012 passed in Complaint Case No. 1015(C) of 2012 by the Sub Divisional Judicial Magistrate, Danapur.

The case of the Complainant is that she was married to

the Petitioner No. 1 about 25 years ago but she was tortured for ends of dowry and finally ousted from the matrimonial home. The stand of the Petitioner No. 1 was that he was never married to the Complainant and, therefore, no offence whatsoever is made out against any of the accused.

On the other hand, the counsel for the Complainant submits that the marriage was valid and the stand of the Petitioner No. 1 is completely false.

Be that as it may, considering that the marriage had taken place twenty five years ago and it does not stand to reason that the Complainant would have been tortured for ends of dowry for such a long period by the so called in-laws, the application is allowed and the Proceeding including the order of cognizance dated 12.10.2012 passed in Complaint Case No. 1015(C) of 2012 by the Sub Divisional Judicial Magistrate, Danapur, so far as the Petitioners No.2 to 4 are concerned, is hereby, set aside.

S.Ali/-

**(Anjana Prakash, J)**