

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 27372 of 2014

Arising out of P.S. Case No. -29 Year- 2013 Thana -GOH
District- AURANGABAD

- =====
1. Shyam Krishna @ Shyam Kishor Sharma @ Rintu Sharma Son of Shri Ramakant Sharma.
 2. Ramakant Sharma Son of Late Bhuneshwar Sharma.
 3. Meena Devi Wife of Ramakant Sharma.
 4. Radhe Krishna @ Pintu Sharma Son of Ramakant Sharma.
 5. Sadhana Devi Wife of Radhe Krishna @ Pintu Sharma All resident of Village Kesapa, P.S. Alipur, District Gaya..... Petitioner/s
- Versus

1. The State of Bihar
 2. Ram Nivas Sharma Son of Late Dudheshwar Prasad Singh R/o Village Kaithi Tiro, P.S. Goh, District Aurangabad.
 3. Karuna Devi, W/o Shyam Krishna, D/o Ram Nivas Sharma, Resident of Village-Kaithi Tiro, P.S.-Goh, District-Aurangabad.
..... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Opposite Party/s: Mr. Rajkrishna Jha, Adv.
For the State : Mr. R.B. Roy "Raman" APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

Learned Counsel for the Petitioners seek permission to withdraw the application so far as Petitioner No. 1, Shyam Krishna @ Shyam Kishor Sharma @ Rintu Sharma is concerned to raise all these points at the relevant stage. The permission is accorded.

The rest of the Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 15.03.2014 passed by the Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad in Goh P.S. Case No. 29 of 2013 arising out of Complaint Case No. 1 of 2013.

The case of the Informant is that she was married to

the Petitioner No. 1, Shyama Krishna on 29.04.2006 after which she went to her matrimonial home. However, she was not treated well and grabbed her jewellery and, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for ends of dowry for such a long duration and in fact Petitioner No. 1 had taken utmost care to save the life of the Informant as is evident from Annexures-3 & 4 which shows his anxiety towards his daughter and the allegations as against the Petitioners who are in-laws is unbelievable.

On the other hand, Counsel for the Informant submits that since the Petitioners are family members they should be put on trial.

Having considered the vague and the improbable nature of allegations against the Petitioners, the proceeding including the order of cognizance dated 15.03.2014 passed by the Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad in Goh P.S. Case No. 29 of 2013 arising out of Complaint Case No. 1 of 2013 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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