

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7293 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- KHAGARIA

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1. Krishna Nandan Kumar @ Krishna Kumar Yadav S/o Deo Nandan Prasad
 2. Deo Nandan Prasad S/o late Ram Sundar Yadav
 3. Maharani Devi @ Madhrani Devi wife of Deo Nandan Prasad, all resident of village Raun, P.S. Allauli, District Khagaria, at present residing at Mohalla Gardanibagh, New Yarpur, P.S. Gardanibagh, District Patna
 4. Veena Kumar @ Veena Devi wife of Hari Nandan Pd. Yadav
 5. Hari Prasad Yadav @ Hari Nandan Pd. Yadav son of Mukti Nath Yadav, both resident of Mohalla Madhubani, P.S. Madhubani, District Madhubani, at present residing New Yarpur, near Kachhi Talab, P.S. Gardanibag, Patna-01

.... Petitioner/s

Versus

1. The State of Bihar
2. Ravita Kumari w/o Krishnandan Kr. @ Krishna Kumar Yadav, vill. Rain, P.S. Alauli, Dist. Khagariya, D/o R.K.Yadav, vill., Thana Mauzi, Dist. Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Sharan, Advocate

For the Opposite Party/s : Mr. U. Chand Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

In the facts of the case, the Petitioner No.1 is permitted to withdraw his prayer to raise all these points at the relevant stage.

Prayer is allowed.

The rest of the Petitioners, who are said to be the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 20.4.2010 passed by the Sub Divisional Judicial Magistrate, Khagaria in Complaint case No.822(C) of 2009.

The case of the Complainant is that she was married to the Petitioner No.1 on 4.4.2007 according to Hindu rites, whereafter she

came to her matrimonial home but she was tortured for ends of dowry and ousted from the same.

The submission of the Petitioners is that in fact the Petitioner No.1 had been kidnapped, for which Allauli P.S. case No.47 of 2007 was instituted against the sister-in-law of the Complainant and others and it is only to create a defence to show that in fact there was a valid marriage that the present Complaint has been filed.

Be that as it may, considering the alleged relationship of the present Petitioners and the vague nature of allegations, the application is allowed and the proceedings including the order of cognizance dated 20.4.2010 passed by the Sub Divisional Judicial Magistrate, Khagaria in Complaint case No.822(C) of 2009 is hereby set aside so far as the Petitioners No.2 to 5 are concerned.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
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