

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40662 of 2014

Arising Out of PS.Case No. -2959 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Yugeshwar Ram son of Late Kamal Ram
 2. Gita Devi wife of Shankar Ram, daughter of Late Janak Ram
 3. Babita Devi wife of Rameh Kumar, daughter of Shankar Ram All are resident of village - Machhi, P.O. Machhi P.S. Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarswati Kumari w/o Arun Kumar resident of village - Machhi, P.O. Machhi P.S. Sakra, District - Muzaffarpur at present D/o Late Jainarain Ram Village - Karnegi, P.s - Vaishali, Distt - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2016

The petitioners who are the in-laws of the Opposite Party no. 2 seek quashing of the order of cognizance dated 02.01.2013 passed in Complaint Case No. 2959 of 2012 by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur.

The case of the complainant is that she was married to Arun Kumar on 22.06.2010 where after she came to her matrimonial home. However, after the initial good behaviour she was tortured for ends of dowry and for the reasons that her husband had illicit relationship with the Petitioner no. 2.

It has been submitted on behalf of the petitioners that it is

evident from the complaint petition that in fact the grouse of the complainant is only against the husband and the case of demand of dowry or grievous assault is frivolous.

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

Considering the facts and circumstances of the case, I would be inclined to hold that the prosecution against the petitioners is unwarranted and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 02.01.2013 passed in Complaint Case No. 2959 of 2012 by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur is hereby set aside so far as the petitioners are concerned.

(Anjana Prakash, J)

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