

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3442 of 2013

Arising Out of PS.Case No. -2541 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Kumar Nisas @ Nisas Kumar S/o Arvind Singh @ ARbind Kumar Sinha
 2. Sunita Devi w/o Arvind Singh @ Arbind Kumar Sinha
 3. Arvind Singh @ Arbind Kumar Sinha s/o Ambika Singh, at present address of all P1/8, Vidyapuri, Kankarbag, near the Hospital of Dr. Alka Pandey, P.S. Kankarbag, Dist. Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari w/o Kumar Nisas, D/o late Shivdhari Singh, R/o village Tulsichak, P.S. Masorhi, Dist. Patna, at present address B/9, P.C. Colony, Kankarbag, P.S. Kankarbag, Dist. Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. A. Kumar, Advocate

For the Opposite Party/s : Smt. Anita Kumari, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

Learned Counsel for the Petitioners seeks permission to withdraw the application filed on behalf of the Petitioner No.1 in connection with Complaint case No.2541C of 2009 pending before the S.D.J.M., Patna.

Application filed on behalf of the Petitioner No.1 is dismissed as withdrawn to seek his other remedy in accordance with law.

The rest of the Petitioners, who are the parents-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 19.1.2012 passed by the S.D.J.M., Patna in Complaint case No.2541C of 2009.

The case of the Complainant is that she was married to the Petitioner No.1 on 27.4.2009 in Bombay, on which occasion gifts were given to the in-laws. However, when she came to Patna, she was tortured for ends of dowry and the Petitioner No.1 even got a legal notice served upon her for legal separation. The Complainant then filed an application for restitution of conjugal rights before the Principal Judge, Patna but the accused persons started coercing her for legal separation.

It has been submitted on behalf of the Petitioners that it is evident that there was some issue between the spouses, which has led to a series of litigations between the parties. In fact the Civil Judge, Senior Division, Kalyan, Mumbai has also granted a decree of divorce on 29.11.2010 which was no doubt ex parte.

On the other hand, the Counsel for the Complainant submits that since the Petitioners were the in-laws, they should also be put on trial.

Having considered the background dispute and the vague nature of allegations against the Petitioners No.2 to 3, the application is allowed and the proceeding including the order dated 19.1.2012 passed by the S.D.J.M., Patna in Complaint case No.2541C of 2009 is hereby set aside so far as the Petitioners No.2 to 3 are concerned.

(Anjana Prakash, J)

Narendra/-

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