

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40791 of 2014

Arising Out of PS.Case No.6 Year- 2012 Thana -KANKARBAGH District- PATNA

=====

Sheela Devi, wife of Ram Janam Rai, resident of Changer, P.S.
Kankarbagh, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Subhash Singh, son of late Ram Chandra Singh, resident of
Ashok Nagar, Road No. 9/A, P.S. Kankarbagh, Distt. Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Adv.

For the State : Mr. Amrendra Pd., A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2016

Counter affidavit filed today, be kept on the record.

Heard learned counsel for the Petitioner and the State.

The Petitioner who is the mother-in-law seeks quashing of
the order of cognizance dated 18.5.2012 passed by the Sub Divisional
Judicial Magistrate, Patna, in Kankarbagh P.S. Case No. 06 of 2012.

The case of the Complainant is that his daughter was
married to Avinash Kumar @ Guddu but due to non-fulfillment of demand
of dowry, she was said to be slowly poisoned for which she was removed
to Appolo Trauma Centre where she was put on ventiltor.

In the nature of dispute between the Parties, the matter
was referred to the Mediation Centre, but it could not materialize.

The submission of the Petitioner is that the marriage had
taken place in the year 2010. Fact of the matter is that the
daughter of the Complainant fell ill on account of which she was removed
to Appollo Hospital by the Petitioner and subsequently removed to
Magadh Hospital, Rajendra Nagar, Patna, for better treatment by her
father i.e. Complainant and was being treated there. However, when the

husband came to the Hospital to see his wife he was assaulted on account of which Kadamkuan P.S. Case No. 2 of 2012 was instituted against the Complainant by the husband. It is thereafter when the daughter get well, the present Complaint was filed maliciously.

It has further been submitted on behalf of the Petitioner that had they willed that the daughter of the Complainant should die, they would not have taken her to Apollo Trauma Centre, hence evidently, a false case has been instituted.

On the other hand, the counsel for the Complainant submits that since the Petitioner is the mother-in-law, she should be put on Trial.

Having considered the nature of allegation which is general and omnibus and the background facts, the application is allowed and the order of cognizance dated 18.5.2012 passed by the Sub Divisional Judicial Magistrate, Patna, in Kankarbagh P.S. Case No. 06 of 2012, so far as the Petitioner is concerned, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05/2016
Transmission Date	05/2016