

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32881 of 2010

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

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1. Harsh Vardhan Son of Sri Bhupendra Narayan Sinha, at present posted in M/S Tata Consultancy Services at Plot No. 447, Phase-V, Udyog Vihar, Sector-19, Gurgaon, Haryana, Resident of Flat No. 102, , R.R. Ugrah Apartment, Sheopuri, P.S Shashtri Nagar, District Patna.

2. Bhupendra Narain Sinha, S/o Late Narendra Narain Singh, Resident of Flat No. 102, R.R. Ugrah Apartment , Sheopuri, P.S Shashtri Nagar, District Patna.

3. Pushpa Sinha, W/o Bhupendra Narain Sinha, Resident of Flat No. 102, R.R Ugrah Apartment, Sheopuri, P.S Shashtri Nagar, District-Patna.

4. Puja Kumari @ Puja Bhardwaj, W/o Manish Bhardwaj, Resident of Flat No. 102, R.R Ugrah Apatment, Sheopuri, P.S Shashtri Nagar, District Patna, presently residing at C/o Sri D.N. Singh Behind Gate No.2, ISM, Dhanbad

.... Petitioner/s

Versus

5. State of Bihar

6. Nivedita Niram, W/o Sri Harsh Vardhan and Daughter of Sri Dhananjay Kumar Singh at present residing at Vivek Bihar, Hanuman Nagar, P.S. Patrakar Nagar, Kankarbagh, Patna.

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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: 22-02-2016

Learned counsel for the petitioners seeks permission to withdraw the application so far as Petitioner no. 1 is concerned to avail other remedies in accordance with law.

Permission is allowed.

The petitioners who are the parents-in-laws and the married sister-in-law seek quashing of the order of cognizance dated 06.03.2010 passed in Complaint Case No. 3117 of 2009 by the Sub-Divisional Judicial Magistrate, Patna.

The case of the complainant is that she was married to the



Petitioner no. 1 on 20.05.2009 on which occasion large number of gifts were given to the in-laws. However, after marriage she went to Ooty for Honeymoon where she learnt that her husband is a habitual drinker smoker and has other bad habits. After honeymoon she reached her matrimonial home from where she was taken to Gurgaon where all the accused persons tortured her for demands of dowry after which she was brought to Patna by her husband where she is residing.

It has been submitted on behalf of the petitioners that fact of the matter is that the complainant had some mental problem on account of which her husband sought her medical treated but the marriage broke up because of sheer incompatibility. The petitioners have annexed Annexure 2 series to demonstrate this fact. Being aggrieved the petitioner no. 1, i.e. the husband also filed an application under Section 12 of the Hindu Marriage Act for declaring his marriage void which was admitted on 13.10.2009 and notices were issued on 28.10.2009. It is thereafter, the present complaint was filed on 18.11.2009 making false allegation. It has further been submitted that in the background of the case, continuance of the present proceeding would be abuse of the process of the Court.

On the other hand the complainant submits that when huge amount of money was spent by the complainant's family and the marriage did not work and also the in-laws have taken dowry, so they

should be put on trial.

Considering the background facts, the application is allowed and order of cognizance dated 06.03.2010 passed in Complaint Case No. 3117 of 2009 by the Sub-Divisional Judicial Magistrate, Patna is hereby quashed so far as Petitioners no. 2, 3 and 4 are concerned.

(Anjana Prakash, J)

Prakash/-

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