

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13152 of 2014

Arising Out of PS.Case No. -1092 Year- 2013 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. SHAMBHU KUMAR SON OF BHOLA SAH
2. BHALA SAH SON OF LATE SARJUG SAH
3. PRAMOD SAH SON OF BHOLA SAH
4. SARSWATI DEVI WIFE OF BHOLA SAH.
RESIDENT OF KALAYAN TOLA CHAMARGARH MORE, POLICE
STATION BARIYARPUR, DISTRICT MUNGER

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. PRIYANKA KUMARI WIFE OF SHAMBHU KUMAR, DAUGHTER
OF DILIP PRASAD SAH RESIDENT OF VILLAGE SIMPUR,
POLICE STATION HAVELI KHARAGPUR, DISTRICT MUNGER.

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 19-11-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor. None appears on behalf of
O.P. No.2, wife.

Petitioners who are husband, in-laws have filed
instant petition against an order dated 16.11.2013 passed in
connection with, Case No.1092(c) of 2013 whereby and
whereunder they have been noticed in terms of Section 12 of
the Domestic Violence Act.

The crux of the submission having been made on
behalf of petitioner happens to be that it is O.P. No.2 who is
defying the will and wish of the petitioners in respect of
unconditional offer at their end requesting her to join their
society. That being so, they should not coerced to face the
proceeding under the Domestic Violence Act.

Considering the nature of dispute, at an earlier

occasion the Bench had referred the matter to High Court Mediation Centre but, unfortunately, the parties failed to come to terms and in the aforesaid background, the sole question relates with identification of wrong which, in the facts and circumstances of the case is to be perceived by the learned lower court.

That being so, instant petition appears to be premature and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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