

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43715 of 2014

Arising Out of PS.Case No. -378 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

- =====
1. Surendra Prasad Son of Late Bishwanath Prasad
 2. Dharmsheela Devi Wife of Surendra Prasad
 3. Praveen Kumar Son of Surendra Prasad
 4. Manohar Prasad @ Amit Kumar Son of Surendra Prasad, All resident of Mohalla- Gandhi Chock, Ward No.4, P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Gargi Devi Wife of Pankaj Kumar, D/O Om Prakash Kapari, Resident of Mohalla- Gandhi Chock, Ward No.12, P.S.- Madhubani Town, Distt.- Madhubani.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. J. Upadhyay, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 19-04-2016

In the nature of dispute between the parties, an attempt was made to settle the dispute but it could not be done.

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 13.6.2013 passed by the Sub Divisional Judicial Magistrate, Madhubani in C.R. No.378 of 2013/ Trial No.4560 of 2013.

The case of the Complainant is that she was married to Pankaj Kumar on 4.2.2011, whereafter she came to her matrimonial home. However, she was tortured for ends of dowry and assaulted and thereafter sent to her maternal home.

It has been submitted on behalf of the Petitioners that they are separate in mess of the husband of the Opposite Party No.2, who works in the Railways in Kolkata and has no concern with the rest of the family. Several attempts were made to settle the differences between the husband and wife but it could not be done and they are not responsible for the differences between them.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the family members, who should attempt to restore their matrimonial harmony and not having done so, they should be put on trial.

Having gone through the vague nature of allegations and submissions, the application is allowed and the proceeding including the order of cognizance dated 13.6.2013 passed by the Sub Divisional Judicial Magistrate, Madhubani in C.R. No.378 of 2013/ Trial No.4560 of 2013 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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