

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14745 of 2014

Arising Out of Complaint Case No.408C Year- 2011 District- NALANDA (BIHARSHARIFF)

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1. Anil Kumar Gupta, S/O Karu Lal Halwai
 2. Karu Lal @ Karu Lal Halwai, S/O Late Govind Saw
 3. Urmila Devi, W/O Karu Lal Halwai

All Resident Of Village Gosai Bigha, P.S. Akbarpur, District Nawada. At Present Of Mohalla Gosala Road, Near Pani Tanki, Town Jumari Tilaiya, P.S. Jhumari Tilaiya, District Kodarma (Jharkhand).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Arati Devi, D/O Gopal Prasad, Resident Of Mohalla Bich Bazar, P.S.Sohsarai, District Nalanda.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

Counter affidavit filed today on behalf of the Opposite
Party No. 2, be kept on the record.

Heard learned counsel for the Petitioners and the State.

The Petitioners are permitted to withdraw the
application so far as the Petitioner No. 1 is concerned to raise all the
points at the relevant stage.

Rest of the Petitioners seek quashing of the order dated
21.2.2014 passed by the Sub Divisional Judicial Magistrate, Bihar
Sharif (Nalanda) in Complaint Case No. 408C of 2011.

The case of the Complainant is that she was married to

the Petitioner No. 1 on 4.3.2010 whereafter she went to the matrimonial home but she was abused by her in-laws for payment of Rs.40,000/- and, lastly ousted from the matrimonial home with her brother.

It has been submitted on behalf of the Petitioners that as against rest of the family members, this Court had quashed the Prosecution and the case of the Petitioners No. 2 and 3 are also similar to them.

The submission of the Complainant is that this Court had refused to entertain the application against the order of cognizance as against the Petitioners No. 2 and 3 and, therefore, the instant application so far as they are concerned, should not be entertained.

On going through the Complaint petition, I find that there is not a single averment specifically against the Petitioners which would justify putting the parents-in-law on Trial. The stage of cognizance and charge stands on two different footing and consideration at the stage of charge is more stringent.

Considering the vague and rambling nature of allegations as far as the Parents-in-law are concerned, the application is allowed and the Proceeding including the order dated 21.2.2014 passed by the Sub Divisional Judicial Magistrate, Bihar Sharif

(Nalanda) in Complaint Case No. 408C of 2011, so far as the
Petitioners No. 2 and 3 are concerned, is hereby, set aside.

The Trial Court is directed to conclude the Trial
positively within a period of three months from the date of receipt of
this order without granting unnecessary adjournment to any Party.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	18/ 07/2016
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