

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39316 of 2014

Arising out of P.S. Case No. -68 Year- 2006 Thana -PURNIA
COMPLAINT CASE District- PURNIA

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1. Alok Kumar Bharti, Son of Raj Kishore Pathak.
 2. Raj Kishore Pathak, Son of Late Satya Narain Pathak.
 3. Smt. Pramod Pathak @ Pramodani Devi, Wife of Raj Kishore Pathak.
 4. Md. Abhishek Kumar @ Rikku Pathak, Son of Raj Kishore Pathak. All resident of Village-Mahballa, P.S.-Rupauli, District-Purnea, at present resident of Rajniti Prasad Sinha, Railway Guard, P & T Colony Chowk, Barmasia, District-Katihar.
 5. Smt. Archana Devi @ Laily, D/o Raj Kishore Pathak, Wife of Ajay Kumar Mishra, Resident of Village-Jhorachak, P.S.-Koda, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. St. Neelam Pathak, D/o Mritunjay Jha, at present Korath Badi Maithil Tola, Madhubani, Purnia, Municipality, P.S.-K. Hat, District-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as Petitioner No. 1, Alok Kumar Bharti is concerned to avail his other remedies in accordance with law. The prayer is accorded.

The rest of the Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order dated 10.07.2012 passed by the Sub-divisional Judicial Magistrate, Purnea in Complaint Case No. 68 of 2006 arising out of K. Hat P.S. Case No. 46 of 2004.

The case of the Complainant is that she was married to the Petitioner No. 1 on 23.01.1998 which was

an ideal marriage but thereafter she was tortured and made to sign on certain documents and ousted from the matrimonial home.

It has been submitted that initially a Police Case was instituted which ended in final report and thereafter on Protest-cum-Complaint Petition the case proceeded. The further submission is that evidently when independent agency looked into the nature of allegations and found the same to be untrue the case should not be proceeded on the unilateral, exaggerated as also interested evidence of the Complainant.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are in-laws they should be put on trial.

Having considered the duration of marriage and the nature of relation-ship between the parties, the proceeding including the order dated 10.07.2012 passed by the Sub-divisional Judicial Magistrate, Purnea in Complaint Case No. 68 of 2006 arising out of K. Hat P.S. Case No. 46 of 2004 is, hereby, set aside so far as Petitioners No. 2 to 5 are concerned.

The Application stands allowed with the aforesaid observations.

(Anjana Prakash, J.)

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