

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47583 of 2012

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

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1. Sarita Kumari
2. Anita Kumari
3. Rita Kumari all Daughters Of Kameshwar Mahto, Resident Of Village- Teldih,
P.S.- Ariari, District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rabita Kumari Daughter Of Bano Mahto Resident Of Village- Pratappur, P.S.
Halsi, District- Lakhisarai

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kr. I, APP
For Opposite Party No.2 : Mr. Rabi Bhushan, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-01-2016

The Petitioners, who are the married sisters-in-law of the

Opposite Party No.2, seek quashing of the order of cognizance dated

17.8.2011 passed by the Chief Judicial Magistrate, Lakhisarai in Halsi

P.S. case No.55 of 2010.

The case of the Informant is that she was married in the

year 2007 with Rajesh Kumar and after six months she went to her

matrimonial home. However, her husband and father-in-law started

demanding money for doing business and for buying a motorcycle.

When the demand remained unfulfilled, she was ousted from the

matrimonial home. It is also alleged that the Petitioners, who are

married sisters-in-law, used to assault her.

It has been submitted on behalf of the Petitioners that the husband and wife had some issue between them and the Petitioners had no role to play in breaking down of the marriage. Also it appears that it is improbable that a person, who was married about three years back, would be tortured for ends of dowry.

On the other hand, the Counsel for the Informant submits that the husband has remarried, in which the Petitioners have also helped and, therefore, they should be put on trial.

Having considered the facts of the case as also the Matrimonial Suit filed by the husband, the application is allowed and the proceedings so far as the Petitioners are concerned including the order of cognizance dated 17.8.2011 passed by the Chief Judicial Magistrate, Lakhisarai in Halsi P.S. case No.55 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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