

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29292 of 2014

Arising Out of PS.Case No. -44 Year- 2010 Thana -BISHWAMBHARPUR District- GOPALGANJ

- =====
1. Rinku Kumari daughter of Hari Shanker Prasad
 2. Hari Shanker Prasad Son of Late Gorakh Prasad
- Both Residents of Village Gumania, P.S. Vishambherpur, District Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. Sakina @ Sangita Devi Wife of Shashi Bhushan Prasad Resident of Village Khem Mathania, P.S. Vishambherpur, District Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 30-06-2017

Heard learned counsel for the parties.

The petition is filed for setting aside the order of cognizance dated 27.05.2013/28.05.2013, passed by learned Chief Judicial Magistrate, Gopalganj in Vishambherpur P.S. Case No.44 of 2010 (Trial No.4491/14) whereby cognizance has been taken under Sections 323, 406, 498(A) and 494 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complainant was married with accused no.1 Shashi Bhushan Prasad as both were in love relationship and it was the inter-religious marriage. The petitioners are said to be the second wife of Shashi Bhushan Prasad and her father. Earlier a coordinate Bench of this Court allowed the quashing petition filed on behalf of father-in-law, mother-in-law and brother of the husband and set aside the order of



cognizance and there is no allegation of making any demand or committing torture against present petitioners. Only allegation against petitioner no.1 Rinku Kumari is that complainant's husband married with her and petitioner no.2 is her father.

Having considered the said submissions, the allegation against petitioner no.1 is only that complainant's husband married with her later on and no allegation exists against her and her father, petitioner no.2 relating to making demand of dowry and torturing in that connection. Moreover quashing petition filed by father-in-law, mother-in-law and brother of the husband was earlier allowed by this Court by judgment dated 03.02.2016, passed in Cr. Misc. No.47731 of 2013.

Hence, this quashing petition is allowed and criminal proceeding with respect to the petitioners only including the order of cognizance dated 27.05.2013/28.05.2013, passed by learned Chief Judicial Magistrate, Gopalganj in Vishambherpur P.S. Case No.44 of 2010 (Trial No.4491/14) is set aside.

(Arun Kumar, J.)

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