

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45256 of 2011

Arising Out of Complaint Case No. -1220 Year- 2009 Thana -Bhabua District- SASARAM (ROHTAS)

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1. Anil Jaishwal S/o Sita Ram Jaiswal, resident of Mohalla - Chaman Lal Pokhara Ward No.17, P.S.- Bhabua, District- Kaimur at Bhabua.
 2. Saroj Devi W/o Anil Jaishwal, resident of Mohalla - Chaman Lal Pokhara Ward No.17, P.S.- Bhabua, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priti Jaishwal @ Guriya @ Arati wife of Saurabh Kumar Jaishwal @ Chintu, daughter of Din Dayal Prasad, resident of mohalla-Chuman Lal Pokhara, PS-Bhabua, District-Bhabua at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Manoj Kumar and Pawan Kumar Singh, Advs.

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 30-08-2017

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The Petitioners, who are the uncle and aunt of the
husband of Opposite Party No.2, seek quashing of the order of
cognizance dated 5.4.2010 passed by the Sub Divisional Judicial
Magistrate, Sasaram in Complaint case No.1220 of 2009.

The case of the Complainant is that she was married
with one Sourabh Jaishwal on 21.11.2007, whereafter she went to her
matrimonial home. However, the in-laws including the petitioners
started to torture her and she was finally ousted from the matrimonial



home.

It has been submitted on behalf of the Petitioners that on going through the Complaint Petition apart from general and vague allegation with regard to torture there is no specific material against them. Moreover it is impossible to believe that a person who would be married in the year 2007 would be tortured for ends of dowry even after birth of a child. The parents of husband have filed Criminal Miscellaneous No. 31776 of 2012, which was allowed by a coordinate Bench of this Court on 30.06.2015 and cognizance with respect to parents-in-law of the opposite party no. 2 was quashed.

Having considered the vague nature of allegations against the petitioners in the complaint petition which indicates some dispute between the spouses, the application is allowed and the order of cognizance dated 05.04.2010 passed by the Sub Divisional Judicial Magistrate, Sasaram in Complaint case No.1220 of 2009 is hereby set aside as far as the petitioners are concerned. However, this order shall have no bearing on the prosecution of the husband.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
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