

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32593 of 2015

Arising Out of PS. Case No.-993 Year-2012 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Nitu Devi and Anr.
 2. Kumari Ritu @ Guriya Kumari Both are D/o Krishankant Singh Resident of Village Dumari, P.S. Rahika, District Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sangita Devi D/o Dinesh Singh, W/o Ranjeet Singh Resident of Village Dumari, P.S. Rahika, District Madhubani, presently resides at Village Khanjipur, Manlagiya, P.S. Rahika, District Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP In-charge

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 17-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed for quashing the order dated 12.10.2012 passed by learned Judicial Magistrate, 1st Class, Madhubani in Tr. No. 2518 of 2015, arising out of Compliant Case No. 993 of 2012, by which he found case prima facie against all accused persons under Section 498-A of the Indian Penal Code.

The prosecution case is that the complainant was married to co-accused Ranjeet Singh in December, 2007. It is alleged that the accused persons demanded motorcycle as dowry



from the complainant and on refusal, she was being tortured and assaulted by them.

Learned counsel for the State has opposed this application.

Having considered the submissions of the parties and on perusal of the record, it appears that at the time of marriage, her parents gave several gifts to her and her husband. When she went at her sasural, her both sister-in-law (petitioners) and mother-in-law demanded a motorcycle when she show incapability of her parents, she was being tortured and assaulted by them. It has been further stated that against that she made complain before Gram Kachachari, where her husband gave a bond that he will keep her wife with full dignity and respect and no demand of dowry was made. But just after a month, again they started to torture and assault. It also appears that general and omnibus allegations are levelled against these petitioners.

Considering the aforesaid facts as also considering the law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***, this quashing petition is allowed.

Accordingly, the order of cognizance dated 12.10.2012 passed by learned Judicial Magistrate, 1st Class,



Madhubani in Tr. No. 2518 of 2015, arising out of Compliant
Case No. 993 of 2012, is hereby quashed.

(Sandeep Kumar, J)

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