

Gayatri Devi, and ors. Vs. State of Bihar, and anr.

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Court : Patna

Decided On : Oct-25-2010

Judge : Rakesh Kumar, J.

Acts : Indian Penal Code (IPC) - Section 498A; Dowry Prohibition Act - Sections 3, 4

Appeal No. : CRIMINAL MISCELLANEOUS No.16142 OF 2000

Appellant : Gayatri Devi, and ors.

Respondent : State of Bihar, and anr.

Advocate for Def. : Mrs.Indu Bala Pandey, Adv.

Advocate for Pet/Ap. : M/S Mahesh Narayan Parbat; Ved Prakash Srivastava, Adv.

Judgement :

1. Petitioner nos.1 and 2 were sister- in-law of opposite party no.2. Petitioner nos.3 and 4 were mother-in-law and father-in- law respectively of opposite party no.2.

2. All the four petitioners have prayed for quashing of an order dated 12.1.2000 passed by Chief Judicial Magistrate, Bettiah in Complaint Case No.1736(C) of 1999. By the said order, learned Magistrate has taken cognizance of offence under Section 498A of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

3. At the very outset, learned counsel for the petitioners, Shri M.N. Parbat, submits that in view of subsequent development i.e. judgment and decree in the divorce case filed by the husband of opposite party no.2, order of cognizance in respect of husband of opposite party no.2 and his two brothers, was set aside by a bench of this Court vide order dated 3.9.2010 passed in Cr.Misc. No.25340 of 2001. Earlier, case record of Cr.Misc.No.25340 of 2001 was called for, which has been kept along with record of the present case.

4. I have perused the order dated 3.9.2010 passed in Cr. Misc. No.25340 of 2001, whereby order of cognizance in respect of husband of opposite party no.2 and two brothers of husband of opposite party no.2 was set aside.

5. In view of the order dated 3.9.2010 passed in Cr. Misc. No.25340 of 2001, there is no reason to refuse the prayer of the petitioners in the present case for quashing the order of cognizance.

6. Accordingly, the order dated 12.1.2000 passed in Complaint Case No.1736(C) of 1999 by the learned Chief Judicial Magistrate, Bettiah, so far as four petitioners are concerned, is hereby set aside and petition stands allowed.

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