

IN THE HIGH COURT OF JUDICATURE AT PATNA Cr. Misc. No.24203 of 2010

NEETI RANI @ NEETI KUMARI, Daughter of Sri Ram Prabodh Sharma at present residing at House No.1386A, Sector-29, Faridabad, Haryana- 121008, whereas the ancestral house is situated in village-Mirupr, P.S. Sakra, District- Muzaffarpur .Petitioner Versus

1. THE STATE OF BIHAR &

2. Binita Kumari, D/o Sri Chandeshwar Prasad Singh, resident of village- Jadudharampur, P.S. Kanti, District- Muzaffarpur Opposite Parties -----

3/ 09.12.2010 Heard the parties. The petitioner has sought quashing of the order dated 14.12.2009 passed by the Sub-Divisional Judicial Magistrate, East Muzaffarpur, in Tr. No.2682 of 2009 arising out of Complaint Case No.1192 of 2009 by which he has taken cognizance under section 498-A Indian Penal Code and section 4 of the Dowry Prohibition Act.

The petitioner happens to be the unmarried sister-in-law of the complainant and it has been submitted and all along she was studying outside the State and, therefore, the present case is totally unwarranted.

Counsel for the opposite party no.2 submits that there is allegation against her and, therefore, she should be proceeded against.

Repeatedly this court and the Hon'ble Supreme Court has been stressing on the point that meticulous examination even at the stage of cognizance and issue of summons should be done in the cases of section 498-A Indian Penal Code so that the entire family members are not embroiled in unnecessary litigation. -2-

In view of such, this application is allowed and the order dated 14.12.2009 passed by the SDJM, East, Muzaffarpur, in Tr. No.2682 of 2009 arising out of Complaint Case No.1192 of 2009, so far as it pertains to the petitioner only, is hereby quashed. The application stands allowed.

JA/- (Anjana Prakash, J.)