

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.11281 of 2013**

Arising Out of Complaint Case No. -1690 Year- 2010 District- - MUZFFARPUR

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1. Sangita Pandey W/O Sudhir Kumar Pathak D/O Laxmi Kant Pandey  
2. Laxmi Kant Pandey, S/O Late Nand Kishore Pandey, Both are residents of  
Mohalla-Rajiv Nagar Road No. 23, P.S. Rajiv Nagar, District Patna. ... Petitioners  
Versus

1. The State of Bihar.  
2. Ramawati Devi, W/O Late Rambahadur Pathak, Resident of Village Mahmadpur  
Via, P.S. Saria, District Muzaffarpur. . .... Opposite Parties

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**Appearance :**

For the Petitioner/s : M/S R. Kumar Sinha, Advocate  
M/S Seema, Advocate

For the Opposite Party/s : Mr. S. Kumar, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 22-09-2015**

The Petitioners seek quashing of the order of cognizance dated 15.01.2013 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Muzaffarpur in Complaint Case No. 1690(c) of 2010.

The case of the complainant is that several cases were going on between the son of the Complainant and his wife i.e. Petitioner no. 1, in course of which the accused persons entered into her house and started to assault her son and also set fire to the dwelling house.

It has been submitted on behalf of the Petitioners that it is true that the Petitioner no. 1 was married to the son of the Complainant in the year 2003 but she was tortured for dowry, on account of which she approached the Mahila Help Line, Patna which

noticed the in-laws. They never appeared, so the Petitioner no. 1 filed Complaint Case No. 155© of 2005 on 18.01.2005. Being aggrieved with step that was taken by the Petitioner no. 1, the mother-in-law filed the present complaint. It has further been submitted on behalf of the petitioners that evidently in the background of dispute and the relationship between the parties the present complaint is malicious in nature.

On the other hand, the Counsel for the Complainant submits that the date of occurrence is proved even by the admission of the Petitioner no. 1. In such circumstances, the Petitioners should be put on trial.

Having considered the background facts, I would be inclined to hold that the present complaint is a gross abuse of the process of the Court and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 15.01.2013 passed by the Judicial Magistrate, 1<sup>st</sup> Class, Muzaffarpur in Complaint Case No. 1690(c) of 2010 is hereby set aside.

**(Anjana Prakash, J)**

Vats/-

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