

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30634 of 2013

Arising Out of PS.Case No. -155 Year- 2008 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

- =====
1. Rabindra Kumar @ Rakesh Kumar, s/o Late Markendey Lal Das,
 2. Bibha Devi @ Anita Das, w/o Rabindra Kumar @ Rakesh Kumar, both resident of village- Dakhram, Police Station- Bahera, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar,
2. Rupa Kumari, w/o Ajit Kumar Das @ Runa, d/o Sri Arun Kumar, resident of village- Dakhram, Police Station- Bahera, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-12-2015

The Petitioners who are brother-in-law and sister-in-law of the Opposite Party No.2 seek quashing of the order of cognizance dated 29.10.2009 passed in LNMU P.S. Case No.155 of 2008 by the Chief Judicial Magistrate, Darbhanga.

The case of the Informant is that she was married to Ajit Kumar on 29.06.2006 whereafter she came to her matrimonial home. However, the accused persons started assaulting her because they wanted a vehicle. Her husband took her to Delhi where she stayed for about two months but the elder brother of the husband of the Complainant called her and started torturing her and lastly she

was ousted from the matrimonial home on 16.05.2007.

It has been submitted on behalf of the Petitioners that fact of the matter is that husband and wife were living in Delhi and there was some incompatibility issue between them in which the Petitioners had no role to play.

On the last occasion, notice was issued to the Opposite Party No.2, but none appears on her behalf.

Having considered the nature of allegation against the Petitioners, I am inclined to allow the application.

Accordingly, the order of cognizance dated 29.10.2009 passed in LNMU P.S. Case No.155 of 2008 by the Chief Judicial Magistrate, Darbhanga, is hereby set aside in so far as the Petitioners are concerned.

The application stands **allowed**.

(Anjana Prakash, J)

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