

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25778 of 2012

Arising Out of PS.Case No. -1047 Year- 2010 Thana -null District- BHAGALPUR

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1. Prabodh Kumar Mishra, son of Balbodh Mishra.
 2. Balbodh Mishra, son of Birja Chandra Mishra.
 3. Rabi Mishra, son of Balbodh Mishra.
 4. Babli Mishra, daughter of Balbodh Mishra.
 5. Asha Mishra, wife of Balbodh Mishra.
 6. Soni Jha, wife of Dipak Jha.

All are permanent resident of village-Salempur, Post Office-Pothiya, Police Station-Pothiya, District-Katihar and at present residing at 14/5, Chemical Staff Colony, Birla Gram-Nagda, District-Ujjain (M.P.)

.... Petitioners.

Versus

1. The State of Bihar.
2. Swati Sagar alias Shalu, daughter of Bipin Kumar Mishra, resident of village-Bhramarpur, Police Station-Bihpur, Post Office-Bhramarpur, District-Bhagalpur.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Siya Ram Sahi, Advocate.

For the State : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 20-02-2015

Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed for quashing the order 14.12.2011 passed by the Sub Divisional Judicial Magistrate, Naughachhiya, in Complaint Case No.1047 of 2010, summoning the accused-petitioners, on enquiry, under Section 204 of the Code of Criminal Procedure finding prima facie case under Sections 323 and 498-A/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submits that the accused-petitioner no.1, Prabodh Kumar Mishra, who is the husband of the complainant-opposite party no.2, has filed a case for divorce bearing Matrimonial Case No.31 of 2012 in the court of Additional District Judge, Khachraud (M.P.) against the complainant/opposite party no.2 on 09.05.2012.

4. From perusal of the records, it appears that the present complaint case has been filed by the complainant-opposite party no.2 against the petitioners on 28.11.2010 prior to the filing of the divorce case by the petitioner no.1 against the complainant-opposite party no.2 on 09.05.2012. As such, I find no merit in this application. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

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