

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48021 of 2012

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1. Smt. Pinki Kumari wife of Sri Komal Kumar
2. Komal Kumar son of Rasmani Paswan
3. Smt. Poonam Kumari @ Gudiya Kumari wife of Sri Mukul Kumar
4. Mukul Kumar son of late Bhagwan Das

.... Petitioner/s

Versus

1. State of Bihar
2. Madhupriya wife of Pankaj Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Manoj Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

5 21-04-2015

The present application under section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 09.03.2011 passed by the learned Chief Judicial Magistrate Khagaria in Khagaria (Muffasil) P.S. Case No. 07 of 2009, whereby cognizance has been taken under sections 498A, 323, 341, 406, 313 , 315 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

The application was filed before this Court on 04.12.2012. During pendency of the present case, the husband of the informant, namely, Pankaj Kumar filed an application under section 482 of the Code of Criminal Procedure vide Cri. Misc. No. 2013 of 2013 for quashing the aforesaid order dated 09.3.2011.

The said application was heard and decided by a Bench of this Court on 17th July 2014. The operative part of the aforesaid order dated 17.07.2014 reads as under:

“Considering the fact that the parties have now amicably resolved their dispute and O.P. no.2 is not willing to persecute the accused persons any further this application is allowed.

The order taking cognizance dated 09.03.2011, passed in Khagaria 9Muffasil) P.S. Case No. 07 of 2009(G.R.No.21/09) by the learned Chief Judicial Magistrate, Khagaria is set aside.”

A photo copy of the certified copy of the aforesaid order dated 17th July 2014 passed in Cri. Misc. No. 2013/2013 has been submitted by the learned counsel for the petitioners in course of the argument. Let the same be kept on record.

Learned counsel for the petitioners has submitted that since the petitioners were not a party to the aforesaid Cri. Misc. 2013/2013 the case of the petitioners be also decided on merit.

In my view, once the order taking cognizance dated 09.03.2011 passed in Khagaria (Muffasil) P.S. Case No. 07

of 2009 itself has been quashed by a Bench of this court the said order does not exist in the eyes of law. . If the order of cognizance is not in existence no useful purpose would be served by reiterating the order passed by this Court on the petition filed by the husband of the informant. Accordingly, this application is disposed of as the cognizance in respect of the petitioners also stood quashed pursuant to the order dated 17th July 2014 passed in Cri. Misc. No. 2013 of 2013.

(Ashwani Kumar Singh, J)

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