

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6128 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Birendra Prasad Singh, son of Kusheshwar Prasad Singh,
 2. Kusheshwar Prasad Singh, son of Lalji Singh, &
 3. Jitendra Kumar, son of Kusheshwar Prasad Singh, all resident of village and P.O.-Malikpura, P.S.-Goraul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Madhu Kumari @ Madhu Devi, wife of Shri Birendra Prasad Singh, resident of village and P.O.-Goraul, District- Vaishali, and daughter of Surendra Kumar Sinha, resident of Gay Ghat (Northern Lane), P.O.-Gulzarbagh, P.S.-Alamganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B. M. P. Sinha, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

1. The Petitioners seek quashing of the order of cognizance dated 23.07.2008 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.1300-C of 2013.

2. The case of the Complainant is that she was married to the Petitioner No.1 on 11.03.1992 as per Hindu rites. Out of the marriage, three children were born but she was tortured for ends of dowry and finally ousted from the matrimonial home. She contested for a post in Zila Parishad but lost.

3. It has been submitted that it is absurd to believe that a person, who was married in the year 1992, would be tortured for

ends of dowry for such a long period. In fact, the Complainant is a practicing Advocate in the Civil Court, Patna City, at Gaighat since 2002, and some difference arose between the Petitioner and her on account of which present Complaint Petition has been filed.

4. Notice had been issued to the Opposite Party No.2 but none appears on her behalf.

5. Having considered the facts and circumstances of the case and non appearance of the Complainant which indicates she is no longer interested in pursuing the case, I am inclined to accept the submission so raised on behalf of the Petitioners.

6. Hence, the order of cognizance dated 23.07.2008 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.1300-C of 2013, is hereby set aside.

7. The application stands allowed.

(Anjana Prakash, J)

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