

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 24772 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- NALANDA (BIHARSHARIFF)

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Kunal Kumar Sharma, Son of Shri Shyam Nandan Prasad Sharma,
Resident of Village+P.O.+P.S.-Singheshwar, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Indu Devi, W/o Shri Santosh Kumar, Resident of Village-
Araout, P.S.-Bena (Chandi) District-Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.
Mr. Shyam Kishore Das, Adv.
Mr. Rajeev Ranjan, Adv.

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioner seeks quashing of the order of
cognizance dated 28.12.2005 passed by the Judicial
Magistrate, 2nd Class, Hilsa, Nalanda in Complaint Case
No. 639 of 2004.

The case of the Complainant is that on the date
of occurrence the accused came to her house and started
abusing her and also assaulting her and the family
members. She then made a Complaint to the S.P.
Nalanda but nothing happened and, hence, the present
Complaint.

It has been submitted on behalf of the Petitioner that in fact Bena (Chandi) P.S. Case No. 200 of 2014 had been instituted against the father-in-law and brother-in-law of the Complainant and in course of its investigation the accused persons had gone to oust them but instead the present Complaint was filed maliciously.

Having considered the aforesaid aspect of the matter, I am inclined to hold that the present Complaint is not sustainable and deserves to be set aside.

Hence, the order of cognizance dated 28.12.2005 passed by the Judicial Magistrate, 2nd Class, Hilsa, Nalanda in Complaint Case No. 639 of 2004 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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