

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45837 of 2008

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

1. Ram Krishna Prasad @ Vakil Saheb son of late Durga Prasad.
2. Vijay Kumar @Bulbul son of Ram Krishna Sah.
3. Rambha Devi wife of Dr. Vijay Shankar.
4. Vijay Shankar@Dr. Vijay Shankar son of Ram Dayal Sah

.... Petitioner/s

Versus

1. State of Bihar.
2. Rahul Ranjan son of Dr. Hanuman Prasad Sahu.

.... Opposite Party/s

with

Criminal Miscellaneous No. 24459 of 2009

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

Shyam Kumar & Ors

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

(In Cr.Misc. No. 45837 of 2008)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

Mr. R.K.P.Singh

Mr. Manish Kishore

Mr. Bal Bhushan Choudhary

(In Cr.Misc. No. 24459 of 2009)

For the Petitioner/s : Mr.

Mr. Anish Kumar

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The petitioners seek quashing of the order of cognizance dated 03.09.2008 passed by the Chief Judicial Magistrate, Madhubani in Complaint Case No. 1093 of 2007/Tr. No. 695 of 2008.

The case of the complainant is that he was married to one

Archana Kumari daughter of Petitioner No. 1 and out of wedlock a male child was also born. He was in a good financial condition whereas the in-laws were not so well on account of this the petitioners used to always demand money in various manner. On the date of occurrence while he was going to attend the marriage ceremony at Ranchi his wife committed suicide on 10.07.2005 but in-laws instituted case of murder against him so that the complainant would not demand the loaned money from them.

It has been submitted on behalf of the petitioners that the present complaint has been instituted in order to create defence to Madhubani P.S. Case No. 223 of 2005 instituted by the brother of the deceased in which now the complainant stands acquitted.

Having gone through the complaint petition I would be inclined to hold that the present complaint appears to be superfluous and deserves to be set aside. Hence in the interest of the parties the application is allowed and the order of cognizance dated 03.09.2008 passed by the Chief Judicial Magistrate, Madhubani in Complaint Case No. 1093 of 2007/Tr. No. 695 of 2008 is hereby set aside.

However, this order shall not give any advantage to any party in any manner.

(Anjana Prakash, J)

Prakash/-

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