

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6483 of 2010

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

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Md.Maqsood Alam Asharfi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

Mr. Raj Kamal

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The petitioner seeks quashing of the order dated 02.12.2009 passed by the Judicial Magistrate 1st Class, Banka in Complaint Case No. 1789 of 2008.

The case of the complainant is that on the date of occurrence the accused persons started threatening her to withdraw all the cases and committed theft of her personal property.

It has been submitted on behalf of the petitioner that the complainant is in the habit of filing such false case and all of them having been dropped. This one is last of the series.

On the other hand complainant submits that since the petitioner is her husband he was duty bound to protect her and instead he started threatening her for which he should be put on trial.

Having considered the relationship between the parties and

nature of allegation, I would be inclined to hold that the present complaint deserves to be set aside. Hence the application is allowed and the order dated 02.12.2009 passed by the Judicial Magistrate 1st Class, Banka in Complaint Case No. 1789 of 2008 is hereby set aside.

(Anjana Prakash, J)

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