

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7367 of 2010

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

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Dhananjay Sharma S/o Sri Alakhdeo Sharma

.... Petitioner/s

Versus

1. State of Bihar.
2. Nutan Sharma W/o Chandra Prakash Sharma

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha, Adv.

For the State : Mr. Jharkhandi Upadhaya, APP

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 24.01.2008 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 1124C of 2007.

The case of the complainant is that on the date of occurrence the accused persons came to her house and asked to send children with them, which she permitted. However, the accused persons did not return the children. Hence the present complaint.

It has been submitted on behalf of the petitioner that in fact the children of the complainant used to live in the maternal grand parent's home and later on for some financial dispute, she wanted custody of her children. She filed the present complaint to pressurize the accused persons.

On the last occasion children were called in the Chamber

and as it appears from the order dated 06.12.2010 they were perfectly happy in their maternal grand parent’s home.

In view of the aforesaid, evidently this complaint appears to be gross abuse of the process of the Court and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 24.01.2008 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 1124C of 2007, is hereby set aside.

(Anjana Prakash, J)

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