

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16876 of 2013

Arising Out of PS.Case No. -63 Year- 2011 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Meena Kumari @ Meena Devi W/O Suresh Prasad
2. Suresh Prasad S/O Late Gopi Mahto, both Resident Of Village- Deva Bigha, P.S-
Wena, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar S/O Parmeshwar Dayal Singh, resident of Mohalla Dhaneshwar
Ghat, P.S. Biharsharif, District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.N. Singh, Advocate
For the Opposite Party/s : Mr. A.Kr. Singh-5, APP
For Opposite Party No.2 : Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-09-2015

The Petitioners seek quashing of the order of cognizance
dated 4.2.2012 passed by the court of Sri Ranjan Kumar Mishra,
Judicial Magistrate, 1st class, Biharsharif, Nalanda in Complaint case
No.63C of 2011.

The case of the Complainant is that on the date of
occurrence the accused persons came for bidagari of their daughter,
who was his wife and when he refused bidagari on that day they
stayed in the house and later departed with his house-hold belongings.

It has been submitted that the Complainant is the son-in-
law of the Petitioners and because their daughter was tortured for ends

of dowry she had filed Complaint case No.30C of 2011 on 15.1.2011. It is on account of this reason that the present Complaint has been filed in retaliation.

On the other hand, the Counsel for the Complainant submits that the Petitioners had instituted a case under Section 304B I.P.C., which was evidently false since the wife was alone and had appeared in the case and hence they should be put on trial.

Considering the frivolous nature of allegations against the Petitioners, I would be inclined to hold that the continuance of the present proceeding is a gross abuse of the process of the Court and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 4.2.2012 passed by the court of Sri Ranjan Kumar Mishra, Judicial Magistrate, 1st class, Bihar Sharif, Nalanda in Complaint case No.63C of 2011 is hereby set aside. In the interest of parties, the proceedings of Bihar P.S. case No.172 of 2013 pending in the court of Chief Judicial Magistrate, Bihar Sharif, Nalanda wrongly instituted under Section 304B I.P.C. is also set aside.

(Anjana Prakash, J)

Narendra/-

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