

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36531 of 2013

Arising Out of PS.Case No. -1957 Year- 2006 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

- =====
1. Dhyandhari Dwivedi w/o late Suresh Dubey
 2. Shaktidhar Dubey @ Kaku Dubey s/o late Sursh Dubey
 3. Manorma Devi @ Mini Devi, w/o Shaktidhar Dubey, all are resident of village Areraj, Goshwaminagar, P.S. Govindganj, Distt. Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. Summan Dwivedi w/o Shashidhar Dwivedi, r/v Goshwami Nagar Areraj, P.S. Govindganj, Distt. East Champaran, Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The Petitioners, who are the mother-in-law, brother-in-law and sister-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 2.2.2007 passed by the S.D.J.M., Sadar, Motihari in Trial No.1426 of 2013 arising out of Complaint case No.1957 of 2006.

The case of the Complainant is that she was married to one Shashidhar Dwivedi on 14.5.1996, but she was tortured for ends of dowry by her in-laws and thereafter ousted from the matrimonial home.

The submission of the Petitioners is that while the present case was filed on 17.10.2006, the Complainant filed one

Govindganj P.S. case No.146 of 2006 on 9.10.2006 in which charge sheet was submitted and cognizance taken. For the same cause of action the present Complaint is also subsisting.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the in-laws, they should be prosecuted even if it is in two different cases.

Considering that the intent of the Code is to prevent multiplicity of proceedings and for the same cause of action another case is going on, the application is allowed and the order of cognizance dated 2.2.2007 passed by the S.D.J.M., Sadar, Motihari in Trial No.1426 of 2013 arising out of Complaint case No.1957 of 2006 is hereby set aside.

However, this order shall have no bearing on Govindganj P.S. case No.146 of 2006.

(Anjana Prakash, J)

Narendra/-

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