

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35790 of 2013

Arising Out of PS.Case No. -1165 Year- 2011 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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1. Swami Nath Pandey, S/O Late Ram Khelawan Pandey, resident of village
Aashapur, P.S.- Sarnath, District- Varansi (U.P.)

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. R. B. S. Pahepuri, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-09-2015

The Petitioner seeks quashing of the order dated
20.06.2013 passed by the Judicial Magistrate, 1st class, Bhabua, in
Trial No.2012 of 2013 arising out of Complaint Case No.1165 of
2011 by which he has issued process under Section 83 Cr. P. C.

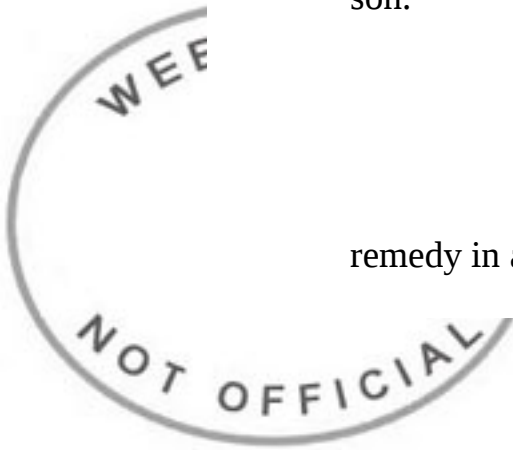
It has been submitted that there was case and counter
case and the Complainant was accused in the case of kidnapping of
his son. Subsequently, the present Complaint Petition was filed after
six months and the process under Section 83 Cr. P. C. was issued
only against the husband and cognizance has not been taken against
the Petitioner and other co-accused. It is further submitted that an
application under Section 84 Cr. P. C. was also filed but no order
was passed by the Court below.

I am unable to understand as to how the Petitioner is

entitled to file an application for quashing the order on behalf of his son.

The application is **dismissed**.

However, the Petitioner is at liberty to avail his other remedy in accordance with law.



JA/-

(Anjana Prakash, J)

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