

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38973 of 2014

Arising Out of PS.Case No. -34 Year- 2009 Thana -KADAMKUAN District- PATNA

1. Sonal Rai @ Sonu, S/o Late Dhiraj Roy, resident of mohalla- Dariyapur Gola,
Mohar Tola, P.S. Kadamkuan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soma Kumari, W/o Prabhakar Roy, resident of Mohalla- Dariyapur Gola,
Mohar Tola, P.S. Kadamkuan, District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-05-2015

The Petitioner, who is cousin brother-in-law of the Opposite Party No.2, seeks quashing of the order of non-discharge dated 13.08.2014 passed by the Sub-Divisional Judicial Magistrate, Patna, in Kadamkuan P.S. Case No.34 of 2009.

The case of the Informant is that she was married to Prabhakar Roy on 22.11.2008 whereafter she went to her matrimonial home. However, the accused persons started to torture her and finally she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner that he being cousin brother of the husband of the Opposite Party No.2 used to live separately and had no concern with day to day affairs of the Complainant and her husband. If, at all, there was any

incompatibility between the spouses, it was for them to sort out the matter and the Petitioner should not be prosecuted in this useless prosecution.

Several attempts were made to notice the Opposite Party No.2 but to no avail.

Having considered the nature of allegation and relationship between the parties, the order of non-discharge dated 13.08.2014 passed by the Sub-Divisional Judicial Magistrate, Patna, in Kadamkuan P.S. Case No.34 of 2009 is hereby set aside and the proceeding in the aforesaid case as against the Petitioner is also hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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