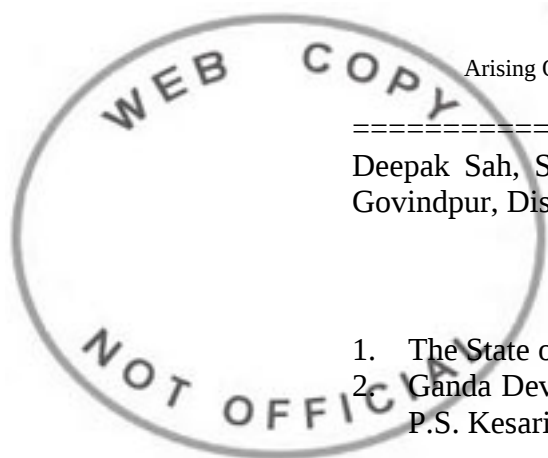




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8070 of 2013

Arising Out of Complaint Case No.1949 Year- 2008 Thana -EAST CHAMPARAN COMPLAINT
District- EAST CHAMPARAN (MOTIHARI)

=====

Deepak Sah, S/O Ravinder Sah R/O Sahpur, P.S. Gopalpur, P.O. Kachhuara -
Govindpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Ganda Devi, wife of Darmendra Sah, daughter of Bishwanath Sah, Sundarpur,
P.S. Kesaria, Distt. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kant Kumar, Adv.

For the State : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner is the nephew of the husband of the

Opposite Party No. 2, seeks quashing of the order of cognizance dated

30.1.2012 passed by the Sub Divisional Judicial Magistrate, Sadar,

Motihari, in Complaint Case No. C 1949 of 2008, Trial No. 3355 of

2012.

The case of the Complainant is that she was married to

the uncle of the Petitioner about six years and she gave birth to two

children. However, she was tortured for ends of dowry and, thereafter,

ousted from matrimonial home.

It has been submitted on behalf of the Petitioner that he

never stayed with the husband of the Informant and the general allegation as against him also is false and fabricated.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the relationship with the Petitioner and the Complainant as also vague nature of allegation and duration of marriage, the application is allowed and the Proceeding including the order of cognizance dated 30.1.2012 passed by the Sub Divisional Judicial Magistrate, Sadar, Motihari, in Complaint Case No. C 1949 of 2008, Trial No. 3355 of 2012, so far as the petitioner is concerned, is hereby set aside.

S.Ali/-

(Anjana Prakash, J)

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