

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36760 of 2012

Arising Out of PS.Case No. -2300 Year- 2010 Thana -null District- SIWAN

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1. Sunita Devi W/O Lal Babu Prasad @ Lal Babu Bhagat D/O Raj Balabh Prasad Resident Of Mohalla Dakhin Tola, P.S. Siwan (Town), District Siwan, At Present Resident At Village Koeriganwa, P.S. Barharia, District Siwan.
 2. Raj Balabh Prasad S/O Late Nageshwar Bhagat Resident Of Village Koeriganwa, P.S. Barharia, District Siwan.
 3. Surswati Devi W/O Raj Balabh Prasad Resident Of Village Koeriganwa, P.S. Barharia, District Siwan.
 4. Arjun Bhagat S/O Raj Balabh Prasad Resident Of Village Koeriganwa, P.S. Barharia, District Siwan.

.... Petitioner/s

Versus

1. State Of Bihar.
2. Lal Babu Prasad S/O Permanand Prasad Resident Of Village Laxmipur Siswan Bhala Siwan, P.S. Siwan Town, District Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-03-2015

The petitioners seek quashing of the order of cognizance dated 27.07.2011 passed in Complaint Case No. 2300 of 2010, Tr. No. 3822 of 2011/3917 of 2012 by the Sub-Divisional Judicial Magistrate, Siwan under Sections 498 and 497 of the Indian Penal Code.

The case of the complainant who happens to be the husband of Petitioner no. 1 is that there was illicit relationship between his wife and her cousin accused no. 2 on account of which she left the matrimonial home on 30.06.2012 and when the complainant went to the paternal house of the accused no. 1 to make an enquiry about her, they told him that she was residing at Kolkatta.

When the complaint went to Kolkatta, accused no. 2 beat him up.

It has been submitted on behalf of the petitioners that Petitioner no. 1 is the wife of the complainant, whereas Petitioners no. 2 and 3 are parents-in-law and Petitioner no. 4 is the younger brother-in-law of the complainant. The Petitioner no. 1 had earlier filed a complaint case under Section 498A against her husband and in-laws vide Complaint Case No. 2148 of 2005, Tr. No. 3182 of 2007. She also filed Divorce Case No. 36 of 2005 as well as an application under Section 125 Cr. P.C. Then at the intervention of the well wishers, the cases were compromised and the Petitioner no. 1 started living with the complainant. However, the complainant once again started torturing her and thereafter threw her out from house with two minor children. Then, in order to cover up his own lapses, he filed the present complaint.

Considering the submissions, I find that this complaint is malicious and deserves to be set aside. Hence, the application is allowed. The order of cognizance dated 27.07.2011 passed in Complaint Case No. 2300 of 2010, Tr. No. 3822 of 2011/3917 of 2012 by the Sub-Divisional Judicial Magistrate, Siwan, is hereby quashed.

(Anjana Prakash, J)

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