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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8883 of 2009

Arising Out of Complaint Case No.1278(C) Year- 2007 District- NALANDA (BIHARSHARIFF)

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Gayatri Kumari @ Ranjana Kumari, wife of Upendra Prasad @ Upendra Kumar and daughter of Jamuna Prasad, resident of village Konsara, P.S. & Distt. Nalanda, presently at New Nalanda Colony, Ramchandrapur, P.S. Laheri, Distt. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, wife of late Krishna Prasad, resident of village Koshara, P.S. & Distt. Nalanda, presently at New Nalanda Colony, West of Rehat Ranchandrapur, P.S. Laheri, Distt. Nalanda.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.
For the State : Mr. R.B. Roy 'Raman', A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 10-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner who is the daughter-in-law of the Opposite Party No. 2 seeks quashing of the order of cognizance dated 29.1.2008 passed by the Sub Divisional Judicial Magistrate, Biharsharif, in Complaint Case No. 1278C of 2007.

The case of the Complainant is that her son was married to the Petitioner in the year 1990 who was working in the Electricity department. By virtue of their relationship, the Complainant had handed over the key of the room to the Petitioner but when she opened the same on 30.9.2007, she found the articles of her house having been misappropriated by the Petitioner. She also found the

other tenants of the house were ousted and captured by the accused persons and when contracted, the accused persons threatened her of dire consequences.

It has been submitted on behalf of the Petitioner that the relationship is accepted but her husband had illicit relationship with Kiran Devi on account of which she was tortured by her in-laws. The Petitioner then filed Laheri P.S. Case No. 80 of 2007 on 30.5.2007 whereafer, the present Complaint was filed after five months later i.e. on 4.10.2007 on patently absurd allegations.

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

Having considered the background facts, I would be inclined to agree that the present complaint is not only absurd but also malicious and, deserves to be set aside.

Hence the application is allowed and the Proceeding including the order of cognizance dated 29.1.2008 passed by the Sub Divisional Judicial Magistrate, Biharsharif, in Complaint Case No. 1278C of 2007, is hereby set aside.

(Anjana Prakash, J)

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