

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43562 of 2012

Arising Out of PS.Case No. -2126 Year- 2011 Thana -null District- BEGUSARAI

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1. Bibha Devi @ Bibha Kumari daughter of Durga Choudhary, wife of Rajiv Choudhary
 2. Manoj Choudhary S/o Ramkhelawan Choudhary
 3. Baby Devi wife of Manoj Choudhary
 4. Raj Kumar Choudhary @ Raj Kumar S/o Durga Choudhary
 5. Rinku Devi @ Rinku Kumari w/o Raj Kumar Choudhary, all resident of Lemuabad, P.S. Pandarak, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Yatri Devi w/o Sri Kanhaiya Choudhary R/o vill. Hasanpur Bazar, P.S. Naokothi, District Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kr., APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioners seek quashing of the order of cognizance dated 19.7.2012 passed by the court of Sri Rajeev Kumar IV, J.M., 1st class, Begusarai in Complaint case No.2126C of 2011.

The case of the Complainant is that Petitioner No.1 was her daughter-in-law, who had filed a Complaint against her on the instigation of the rest of the family members. Subsequently there was a reconciliation as per which the Petitioner No.1 agreed to live with her husband, for which reason the Complainant and her family went to bring her but instead the accused persons assaulted her and committed theft of her personal property.

It has been submitted on behalf of the Petitioners that in the background facts evidently the present Complaint is malicious and has been instituted only with a view to coerce the Petitioner No.1 into withdrawing the earlier case.

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 hold that the present Complaint is a gross abuse of the process of the Court and deserves to be set aside. Hence, the application is allowed and the entire proceeding including the order of cognizance dated 19.7.2012 passed by the court of Sri Rajeev Kumar IV, J.M., 1st class, Begusarai in Complaint case No.2126C of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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