

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30755 of 2012

Arising Out of PS.Case No. -201 Year- 2011 Thana -null District- LAKHISARAI

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1. Pankaj Kumar @ Pankaj Yadav @ Pankaj Kumar Yadav
2. Chintu Kumar both sons of Baldev Yadav
3. Baldeo Yadav S/O Late Baso Yadav @ Basri Yadav
4. Shiromani Devi w/o Baldeb Yadav, all are resident of Village - Mano English,
P.S. - Suryagarha, Distt. - Lakhisarai

.... Petitioner/s

Versus

1. State Of Bihar
2. Mantu Yadav S/O Dodo Yadav, R/O Village - Adarsh Laxmipur, P.S. - Barahiya,
Distt. - Lakhisarai

.... Opposite Party/s

Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

No one appears on behalf of the Petitioners on repeated dates.

The Petitioners, who are the husband and in-laws of the sister of the Opposite Party No.2, seek quashing of the order dated 19.5.2012 passed by the Sessions Judge, Munger in Criminal Revision No.16/163 of 2011, by which he has affirmed the order of cognizance dated 28.5.2011 passed by the S.D.J.M., Lakhisarai in Complaint case No.201C of 2011.

The case of the Complainant is that his sister was married to the Petitioner No.1 without the knowledge of his family. After the marriage when he went to meet his sister, Petitioner No.1 demanded dowry and later on subjected her to cruelty and ousted her

from the matrimonial home.

It appears that the Petitioner No.1 had been kidnapped by the Complainant on 14.7.2010, for which reason Suryagarha P.S. case No.152 of 2010 under Sections 363 and 365 I.P.C. was instituted. He was then recovered and his statement was recorded under Section 164 Cr.P.C. wherein he supported the factum of kidnapping. The Petitioner No.1 also filed Matrimonial case No.34 of 2011 in the Family Court, Munger for declaration of the marriage as null and void and due to non-appearance of the sister of the Opposite Party No.2, the case has proceeded ex-parte. It is under these circumstances that the Petitioners submit that since there was no relationship of marriage of which there is unimpeachable document, the Complaint be quashed.

Considering the above, the application is allowed and the entire proceeding including the order dated 19.5.2012 passed by the Sessions Judge, Munger in Criminal Revision No.16/163 of 2011 as also the order of cognizance dated 28.5.2011 passed by the S.D.J.M., Lakhisarai in Complaint case No.201C of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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