

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5260 of 2010

Arising Out of PS.Case No. 410 Year- 2009 Thana -null District- SASARAM (ROHTAS)

- =====
1. Simpy Devi wife of Raju Singh
 2. Bhabhti Singh son of Nand Kishore Singh, resident of village Amratha, Police Station Gorari (Karakat), District Rohtas
 3. Dipak Singh son of not known, resident of village Chaprang (Sato Atebi), Police Station Nuaon, District Kaimur
 4. Munna Singh son of Bhabuta Singh, resident of village Amratha, Police Station Gorari (Karakat)

.... Petitioner/s

Versus

1. The State of Bihar
2. Raju Singh son of Sri Kameshwar Singh alias Pagu Singh, resident of vilagle Ktiyara, Police Station Dinara, District Rohtas at Sasaram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kr. Singh, Advocate

For the Opposite Party/s : Mr. J. Upadhyay, APP

For Opposite Party No.2 : Mr. Aditya Narayan Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-09-2015

The Petitioners seek quashing of the order of cognizance dated 4.12.2009 passed by the Sub Divisional Judicial Magistrate, Bikramganj, Rohtas (Sasaram) in Complaint case No.410 of 2009.

The case of the Complainant is that he was married to Petitioner No.1 on 22.6.2007 and for the next 6-7 months there was cordial relationship but later on it started deteriorating because of the illicit relationship of Petitioner No.1 with Petitioner No.3, who subsequently assaulted him and also committed theft of his personal property.

It has been submitted that fact of the matter is that the

Petitioner No.1 was tortured by the in-laws, on account of which she filed Complaint case No.510 of 2009. It was on account of souring of relationship that the present Complaint has been filed with trumped up charges of assault and theft.

On the other hand, the Counsel for the Complainant submits that since the ingredients of criminal offence are made out in the facts of the Complaint Petition, the Petitioners should be put on trial.

Having considered the relationship between the parties and the absurd allegations, I have no manner of doubt 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 proceeding including the order of cognizance dated 4.12.2009 passed by the Sub Divisional Judicial Magistrate, Bikramganj, Rohtas (Sasaram) in Complaint case No.410 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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