

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32134 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- GAYA

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1. Suresh Prasad, S/O Sri Rajeshwar Prasad
2. Ravi Shankar Prasad, S/O Sri Suresh Prasad
Both Resident Of Mohalla- Imlital Infront Of Arya Samaj Mandir (Sanskar), Police
Station- Danapur Cant, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pawan Kumar, S/O Binay Kumar Gupta, Resident Of Nayee Godown, Police
Station- Kotwali, District- Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hoda, Adv.

For the State : Ms. Suchita Yadav, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-03-2015

No one appears on behalf of the Opposite Party No. 2 on
repeated calls.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 30.5.2011 passed by the Sub Divisional Judicial
Magistrate, Gaya, in Complaint Case No. 684 of 2011 under Sections
341, 323, 379 and 384 of the Indian Penal Code.

The case of the Complainant is that on 1.5.2011 when
he went to meet one Santosh Kumar, the accused persons started to
abuse him and committed theft of his personal property. They also

threatened him for executing his house in their name or else he would be done to death.

The background facts of the case is that the daughter of the Petitioner No. 1 was married to the Opposite Party No. 2 in the year 2009 but she was tortured for ends of dowry on account of which she instituted a case on 17.1.2010 vide Krishna Nagar P.S. Case No. 05 of 2010. In order to coerce her into withdrawing the said Complaint, the present Prosecution has been launched by the Complainant.

Having considered the aforesaid facts which evidently indicates that the present Complaint is malicious in nature and an abuse of the process of the Court which deserves to be quashed, the application is allowed and the entire Proceeding including the order of cognizance dated 30.5.2011 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. 684 of 2011 under Sections 341, 323, 379 and 384 of the Indian Penal Code, is hereby set aside.

(Anjana Prakash, J)

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