

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30633 of 2010

Arising Out of PS.Case No. -39 Year- 2004 Thana -null District- NALANDA (BIHARSHARIFF)

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1. Bhim Prasad S/o Sri Murath Mistry
 2. Smt. Renu Devi w/o Bhim Prasad, both residents of Mohalla & P.S. Khera, Dist. Nalanda
 3. Annu Kumar @ Anil Kumar @ Anil
 4. Rajju Mistry @ Rajju Vishwakarma
 5. Sunil Mistry @ Sunil Vishwakarma, alls sons of late Prayag Mistry, residents of village Khusrupur, P.S. Khusrupur, Dist. Patna
 6. Savitri Devi w/o late Prayag Mistry, resident of village Khusrupur, P.S. Khusrupur, Dist. Patna
 7. Lakhani Mistry
 8. Madam Mistry, both sons of late Bihari Mistry, both residents of village Hisua, P.S. Hisua, Distt. Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sushila Devi w/o Ram Prasad Mistry, resident of Mohalla Devisarai, P.S. Deepnagar, Dist. Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mrs. Asha Devi, APP
For Opposite Party No.2 : Mr. Madan Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 26.4.2004 passed by the Judicial Magistrate, 1st class, Nalanda at Bihar Sharif in Complaint case No.39C of 2004.

The case of the Complainant is that she negotiated her daughter's marriage with Petitioner No.3 on 16.5.2003, in which course it was agreed that they would perform the marriage. However

even after accepting R.55,000/- as cost for the engagement they did not perform the marriage. When the Complainant asked for a refund, it was refused and she was assaulted and hence the present Complaint.

From records available, it appears that fact of the matter is that there was no marriage negotiation between the parties and the entire story is fictitious. At the behest of a local N.G.O., the matter was enquired into and it was found that the allegations are false.

Considering such aspect of the matter, the application stands allowed and the proceeding including the order of cognizance dated 26.4.2004 passed by the Judicial Magistrate, 1st class, Nalanda at Bihar Sharif in Complaint case No.39C of 2004 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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