

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13609 of 2011

Arising Out of PS.Case No. -240 Year- 2010 Thana -null District- JEHANABAD

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1. Prabhat Kumar Priyadarshi @ Prabhat Kumar @ Bablu
2. Kishore Kumar Kundan
3. Chandresh Kumar @ Chandresh Kumar Chandan all sons of Ramshlok Sharma and residents of village Dhongra P.S. Ghoshi, Distt.Jahanabad, At Present Mohalla-Pirmohani, Beside Uma Cinema P.S-Gandhi Maidan Distt.Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Harendra Kumar son of Ramshlok Sharma, resident of village Dhongra, P.S.- Ghoshi, District-Jahanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. U.L. Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-05-2015

The Petitioners seek quashing of the order of cognizance dated 5.1.2011 passed by the Judicial Magistrate, 1st class, Jehanabad in C.R. No.240 of 2010.

The case of the Complainant is that Ramshlok Sharma was his father, who had deserted his mother and had contracted another marriage, from whom he had sons, who are Petitioners here. The allegation is that on 24.3.2010 the accused persons forcibly started loading sack of grains on a vehicle, to which his mother objected but they assaulted her on such objection. They also stole away certain articles from the house.

It has been submitted on behalf of the Petitioners that as is evident from the Complaint Petition the Complainant and the Petitioners are step brothers and the dispute is more in the nature of civil which has led to institution of the present Complaint as a short cut method for settling the dispute.

On the other hand, the Counsel for the Complainant submits that since his father had deserted his mother, he should be adequately penalized and made to pay compensation.

Having gone through the Complaint Petition, it is apparent that the Complaint has been filed on account of grievance in regard to the second marriage and the share of the children from the subsequent marriage. Allegations with regard to assault and theft appear improbable.

In such circumstances, the application is allowed and the proceeding as against all the accused persons including the order of cognizance dated 5.1.2011 passed by the Judicial Magistrate, 1st class, Jehanabad in C.R. No.240 of 2010 is hereby set aside.

However, the parties are directed to consider settling the dispute finally in accordance with law.

(Anjana Prakash, J)

Narendra/-

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