

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24388 of 2010

Arising Out of PS.Case No. -771 Year- 2009 District- BUXAR

- =====
1. Shishu Kant Mishra son of Ved Prakash Mishra
 2. Ved Prakash Mishra son of late Nageshwar Pd. Mishra
 3. Kalawati Devi wife of Ved Prakash Mishra
 4. Madhu Kant Mishra son of Ved Prakash Mishra
 5. Kitu Kant Mishra son of Ved Prakash Mishra
 6. Urmila Devi wife of Ritu Kant Mishra
 7. Suman Devi @ Suman Mishra wife of Madhu Kant Mishra, 1 to 7 are resident of village Shivpuri Mohalla P.S. Town Buxar, Dist. Buxar
 8. Santosh Kr. Mishra son of Chandra Shekhar Mishra
 9. Usha Laxmi wife of Santosh Mishra, both are present residing at Sahanjpatti Mohallah, P.S. Town Buxar, Dist. Buxar
 10. Dinesh Pandey son of late Chandra Mohan Pandey, at present residing at Shivpuri mohallah, P.S. Town Buxar, Dist. Buxar
 11. Vandana Kumari daughter of Vinod Kumar Mishra
 12. Vinod Kumar Mishra son of late Ramchandra Mishra
 13. Malti Devi wife of Binod Kumar Mishra, all are resident of village Jeariha, P.S. Rajpur, Dist. Buxar

.... Petitioner/s

Versus

1. State of Bihar
2. Roma Devi @ Khushbu daughter of Mukteshwar Pathak, resident of village and post Dumari, P.S. Simari, Dist. Buxar, at present residing at Niranjanpur, Vishwanitra Colony, P.S. Industrial, Dist. Buxar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the State : Mr. M.N. Jha, APP
For Opposite Party No.2 : None

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

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

The Petitioners seek quashing of the order of cognizance dated 5.6.2010 passed by the S.D.J.M., Buxar in Trial No.1703 of 2010 arising out of Complaint case No.771C of 2009.

The Complainant had filed the present Complaint against

her in-laws for having tortured her for ends of dowry.

It has been submitted on behalf of the Petitioners that the Complainant had previously filed a Complaint, which was dismissed after which she moved the Revisional Court, which affirmed the order of dismissal of the Complaint. She then moved the Hon'ble High Court but withdrew the application. It is then that the present Complaint was filed on the very same facts. The submission is that cognizance on the basis of same facts having been stated in the earlier Complaint is bad in law. The further submission is that subsequently the Complainant entered into a compromise with her husband and mutually divorced him. The documents have been produced by the Counsel for the Petitioners, which may be kept on the record.

Having considered the point of law as well as the further development that is taken place between the parties in the nature of relationship and the dispute, the application is allowed and the proceeding including the order of cognizance dated 5.6.2010 passed by the S.D.J.M., Buxar in Trial No.1703 of 2010 arising out of Complaint case No.771C of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--