

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8394 of 2008

Arising Out of Complaint Case No. 66(C) Year- 2007 District- PATNA

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Ram Singhasan Prasad, son of late Bhagwan Das, resident of Mohalla Rajiv Nagar
(Gandhi Nagar), P.S. Patrakar Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Savitri Devi, wife of Ram Singhasan Prasad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Adv.
Mrs. Sudha Ambastha, Adv.

For the State : Mr. B.P Singh, A.P.P.

For the Opposite Party No. 2 : Md.Anisur Rahman, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

Heard learned counsel for the Petitioner and the State.

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

The Petitioner seeks quashing of the order of cognizance dated 18.6.2007 passed by the Sub Divisional Judicial Magistrate, Patna, in Complaint Case No. 66(C) of 2007.

The case of the Complainant is that she was married to the Petitioner in the year 1968-69 whereafter she started living with him. A son was born to them but because of neglect by her husband, she did not stay with him. The Petitioner on many occasions misbehaved with her since he had kept many ladies. She also stated that her step son threatened her of dire consequences.

It has been submitted that in the facts of the case, no

offence under Section 498A of the Indian Penal Code is made out and at best it appears to be a case of civil dispute over the property.

Several attempts were made to settle the dispute between the Parties who are sufficiently advanced in age but nothing could be done. Admittedly, now the maintenance matter has come to an end. The Petitioner shall in such circumstances, pay final amount decreed in the maintenance case regularly.

Considering that on talks with the Parties the dispute appears to be more over property, the application is allowed and the Proceeding including the order of cognizance dated 18.6.2007 passed by the Sub Divisional Judicial Magistrate, Patna, in Complaint Case No. 66(C) of 2007, is hereby set aside.

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(Anjana Prakash, J)

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