

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40263 of 2014

Arising Out of PS.Case No. -231 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Prabhat Kumar Sinha @ Pancham Sinha, S/o Sri Upendra Prasad Sinha,
 2. Upendra Prasad Sinha, S/o Late Kamata Prasad,
 3. Sunita Devi, W/o Upendra Prasad Sinha, all are resident of mohalla -
Bajinathpur Vandha, P.S. - Mohanpur, Dist. - Devghar, Jharkhand
- Petitioner/s

Versus

1. The State of Bihar
 2. Babli Sinha @ Anamika Sinha, D/o Arvind Prasad Sinha, resident of mohalla -
Srichand Nawada, P.S. - Nawada, Distt. - Jamui
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary, Advocate
For the Opposite Party/s : Mr. Aslam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-08-2015

The Petitioners seek quashing of the order of cognizance dated 01.04.2011 and order dated 21.07.2014 refusing to discharge the Petitioners in Complaint Case No.231-C of 2011 passed by the Sub-Divisional Judicial Magistrate, Jamui.

The case of the Complainant is that she was married to the Petitioner No.1 in the year 2009 and an Affidavit in this regard was executed before the Notary. After marriage, she started living as husband and wife but she was beaten and attempted to be strangled by the husband. When she was pregnant, she was left in her maternal home and never brought her back.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioner No.1 had never married the

Complainant. Sister of the Petitioner No.1, namely, Kumkun Kiran, was married with the brother of the Complainant on 26.06.2006 and it is by this relation that they came in contact with each other. The Complainant's brother used to assault the sister of the Petitioner No.1 on account of which a Complaint was instituted before the concerned Police Station where he undertook to keep her well. However, the things did not change and Mohanpur P.S. Case No.932 of 2011 was instituted on 13.09.2010 by her against the brother of the Complainant and it is then the present false case was instituted. In fact, the Complainant is married to one Amar Kumar Sinha on 26.01.2008 at Sitla Mandir, Sakchi, Jamshedpur, and claim of being married to the Petitioner No.1 is completely false.

Notice had been issued to the Opposite Party No.2, but none appears on her behalf.

Having considered the factual aspect of the matter, the order of cognizance dated 01.04.2011 passed by the Sub-Divisional Judicial Magistrate, Jamui, in Complaint Case No.231-C of 2011 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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