

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 21171 of 2012

Arising out of P.S. Case No. -546(C) Year- 2011 Thana -
Complaint District- PATNA

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1. Braj Bahadur Singh @ Bir Bahadur Singh S/o Late Janak Singh Resident of Mohalla Indrapuri H.N. 6, Road No. 7(A), Police Station Patliputra, Patna.
 2. Smt. Gita Devi W/o Shri Kamlesh Singh Resident of Mohalla Indrapuri, H.N. 6, Road No. 7(A), Police Station Patliputra, Patna.
- Petitioner/s

Versus

1. The State of Bihar.
2. Sheo Kumar Singh S/o Late Ram Briksh Singh Resident of House No. 262/348, Yarpur Rajputana, Police Station Gardanibagh, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Subhash Chandra Mishra, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

It has been submitted that the Petitioner No. 1 is now dead and, therefore, this application on his behalf is dismissed as having become infructuous.

The Petitioner No. 2 seeks quashing of the entire proceeding including the order of cognizance dated 04.04.2011 passed by the Chief Judicial Magistrate, Patna in Complaint Case No. 546(C) of 2011.

The case of the Complainant is that he had fixed the marriage of his son with the daughter of Petitioner No. 2. However, after engagement he got a message from the Petitioner No. 1 that he has settled the marriage of his niece with another

boy. The proposed marriage was cancelled but the accused refused to return the money which had been paid to them.

It has been submitted that the Petitioner No. 2 had previously filed a First Information Report i.e. Patliputra P.S. Case No. 226 of 2010 against the Complainant after the marriage was broken off by the Complainant. It is then that the present Complaint was filed. Further, the Petitioner No. 2 being a lady had no role in the transaction and, hence, the proceeding against her should not proceed.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the factual aspects of the case, the proceeding including the order of cognizance dated 04.04.2011 passed by the Chief Judicial Magistrate, Patna in Complaint Case No. 546(C) of 2011 is, hereby, set aside so far as the Petitioner No. 2 is concerned.

The Application stands allowed.

(Anjana Prakash, J)

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