

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.418 of 2012

Arising Out of PS.Case No. -27 Year- 2009 Thana -null District- BHABHUA (KAIMUR)

- =====
1. Birendra Singh S/O Shiv Dayal Singh Resident Of Village- Kuchhila, P.S.- Kuchhila, District- Kaimur (Bhabua).
 2. Ramamuni Devi W/O Birendra Singh Resident Of Village- Kuchhila, P.S.- Kuchhila, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shaila Devi W/O Jitendra Singh Resident Of Village- Kuchhila, P.S.- Kuchhila, District- Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nandu Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Parma Nand Kr., APP
For Opposite Party No.2 : Mr. A. K. Garg, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioners, who are the brother-in-law and his wife, seek quashing of the proceeding including the order of cognizance dated 13.1.2011 passed by the Chief Judicial Magistrate, Bhabua (Kaimur) in Kuchhila P.S. case No.27 of 2009.

The case of the Informant is that she was married to Jitendra Singh about 10 years ago but the accused persons took away her husband and engaged him in a Garage and made him traceless and also started to torture her with an intention to grab her property.

It has been submitted on behalf of the Petitioners that fact of the matter is that the husband has no concern with the present

Petitioners and the allegations are so frivolous that they are not fit to be relied upon.

On the other hand, the Counsel for the Informant submits that the Petitioners have been regularly harassing her and have filed a number of cases against her i.e. (i) Complaint case No.110C of 2011 pending in the court of Chief Judicial Magistrate, Bhabua, (ii) Complaint case No.598C of 2010 pending in the court of Sri A.K. Rai, Judicial Magistrate, Patna City, (iii) Complaint case No.973C of 2012 pending in the court of Sri Sanjay Kumar IV, Judicial Magistrate, Patna City, (iv) Complaint case No.865C of 2010 pending in the court of Chief Judicial Magistrate, Bhabua.

Having considered the nature of allegations and the relationship between the parties, I would be inclined to hold that not only the proceeding of the present case should be quashed but also the versions of the Petitioners with regard to theft of house hold articles by the Informant should also be set aside.

Hence, the application is allowed and the entire proceeding including the order of cognizance dated 13.1.2011 passed by the Chief Judicial Magistrate, Bhabua (Kaimur) in Kuchhila P.S. case No.27 of 2009 against all the accused persons and the proceeding of Complaint case No.885C of 2010 pending in the court of Chief Judicial Magistrate, Bhabua against all the accused persons except

accused Jitendra Singh is hereby set aside. Also the proceeding of (i) Complaint case No.110C of 2011 pending in the court of Chief Judicial Magistrate, Bhabua, (ii) Complaint case No.598C of 2010 pending in the court of Sri A.K. Rai, Judicial Magistrate, Patna City, (iii) Complaint case No.973C of 2012 pending in the court of Sri Sanjay Kumar IV, Judicial Magistrate, Patna City, (iv) Complaint case No.865C of 2010 pending in the court of Chief Judicial Magistrate, Bhabua is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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