

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 11269 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

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1. Rajendra Prasad son of late Kesho Sao.
 2. Surendra Kumar son of late Kesho Prasad
 3. Rakesh Kumar@Pappu son of Rajendra Prasad.
 4. Ravindra Prasad @Munna son of Rajendra Prasad
 5. Shashikala devi @Shashikala soni wife of Sri Girwardhari Lal Verma
 6. Sumitra Devi wife of Rajendra Prasad.
 7. Renu Devi wife of Sri Rakesh Kumar @Pappu.
 8. Ramjee Prasad son of late Ragho Sao
 9. Indradeo Paswan son f late Jagdish Paswan

.... Petitioner/s

Versus

1. State of Bihar.
2. Brij Bihari Kumar son of Sri Binod Kumar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birju Prasad, Adv.
For the Opposite Party/s : Mr. Durgesh Nandan Adv.
For the State : Veena Kumari

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

The petitioners seek quashing of the order of cognizance dated 04.02.2009 passed by the S.D.J.M, Nawadah in Complaint Case No. C 708 of 2008/Tr. No. 1991 of 2009.

The case of the complainant is that his elder brother was married with the Petitioner no. 5 on 29.05.2004. When after she came to her matrimonial home she started misbehaving thereafter committed theft of certain household goods along with the rest of her family members.

It has been submitted on behalf of the petitioners that

marriage between the Petitioner no. 5 and the elder brother of the complainant is not controverted but there was some matrimonial dispute between them on account of which she filed Complaint Case No. 583 of 2008 on 30.05.2008. Subsequently the present complaint was filed on 02.07.2008 with absurd charges only in order to save the in-laws from the prosecution

On the other hand complainant submits that since cognizable offence are made out in the complaint the petitioners should be put on trial.

Having gone through the background facts I would be inclined to hold that the continuation of the present complaint would be gross abuse of the process and hence deserves to be set aside. Accordingly the application is allowed and the order of cognizance dated 04.02.2009 passed by the S.D.J.M, Nawadah in Complaint Case No. C 708 of 2008/Tr. No. 1991 of 2009 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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