

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40659 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- PATNA

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1. Rakhi Devi, W/o Sri Brij Mohan Prasad.
 2. Brij Mohan Prasad, S/o Late Mahesh Prasad. Both resident of Quarter No. 32 AB, Hill Colony, P.S. & Distt.-Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Alka Kumari, Widow of Late Ajay Kumar, Resident of Opposite Govt. Middle School, Saidpur, P.S.-Kadam Kuan, Distt.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Adv.
Mr. Pravin Kumar Sinha, Adv.

For the Opposite Party/s: None.

For the State : Mr. Choubey Jawahar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of entire proceeding including the order of cognizance dated 01.07.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 994(C) of 2007.

The case of the Complainant is that at the time of marriage a sum of Rs. 5,00,000/- and odd was paid to the in-laws out of which Rs. 1,00,000/- was paid in the account of the husband. However, the husband died on election duty after which the Petitioners withdrew the

money but did not give it her, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that whatever money that was lying in the bank of the husband had been paid to the Complainant and, thus, the bald allegations are not sustainable.

Considering the aforesaid aspect of the matter, the entire proceeding as against all the accused persons including the order of cognizance dated 01.07.2009 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 994(C) of 2007 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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