

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10881 of 2009

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

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1. A.B.Bimal Reven son of P.L. Raven.
 2. Vezonica Malarani Reven W/o A.B. Bimal Reven.
 3. Samuel Reven son of A.B. Bimal Reven.

.... Petitioner/s

Versus

1. State of Bihar.
2. Menon Ekka son of Urbanus Ekka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Satyabir Bharti, Adv.

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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 25.02.2008 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 278 of 2008.

The case of the complainant is that the daughter of the Petitioners 1 and 2 was married with him but the in-laws came to his house and after committing theft of household articles absconded with his wife. The complainant filed various applications for recovery of his wife but she did not return and hence the present complaint.

It appears from the petition filed herein that there is no denial of relationship of the daughter of the Petitioners 1 and 2 with the complainant. It appears that at point of time the complainant had executed a bond wherein he stated that he would not torture his wife

any further which indicated that indeed there was matrimonial dispute between them.

On the other hand counsel for the complainant submits that since he had taken various steps for ensuring the return of his wife the petitioners who are her close family members should be prosecuted.

Having gone through the materials on record, I would be inclined to hold that the continuance of the present proceeding would be a gross abuse of process of Court and hence the application is allowed and the order of cognizance dated 25.02.2008 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 278 of 2008 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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