

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.23417 of 2014**

Arising Out of PS.Case No. -890 Year- 2013 Thana -VAISALI COMPLAINT CASE District-  
VAISHALI(HAJIPUR)

- =====
1. Jitendra Thakur, S/o Late Veer Thakur,
  2. Naveen Thakur, S/o Late Veer Thakur, both resident of village- Poghia, P.S.-  
Lalganj, District Vaishali,
  3. Satrudhan Tiwari, S/o Late Baldeo Tiwari, resident of village- Paru Mothiya,  
P.S. Paru, District Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar,
2. Raushan Kumar, S/o Suresh Singh, resident of village-Yadunathpur,  
Chandwara, P.S. Kartaha, District Vaishali.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate

For the Opposite Party/s : APP

Mr. M. C. Gandhi, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 07-05-2015**

The Petitioners seek quashing of the order of cognizance dated 21.03.2014 passed by the Judicial Magistrate, 1<sup>st</sup> class-cum- Additional Munsif, Vaishali at Hajipur, in Complaint Case No.890 of 2013.

The case of the Complainant is that he was married to one Gunja Kumari but the marriage was having some problems. In the meanwhile, the accused persons, who were matrimonial relatives, came to his house and stole away some articles for which he filed Informatory Petition on 18.03.2013. When Panchayti held, the accused persons refused to send Gunja Kumari to his house and

instead assaulted him.

It appears that Gunja Kumari on 15.03.2013 had filed Complaint Case No.731 of 2013 before the Chief Judicial Magistrate, Vaishali, and it was registered as police case against her in-laws and husband. It is in this background that the present Complaint Petition has been filed with absurd allegation.

Having gone through the background facts, I would be inclined to agree with such points.

Hence, the order of cognizance dated 21.03.2014 passed by the Judicial Magistrate, 1<sup>st</sup> class-cum- Additional Munsif, Vaishali at Hajipur, in Complaint Case No.890 of 2013, is hereby set aside.

The application stands allowed.

**(Anjana Prakash, J)**

JA/-

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