

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32139 of 2014

Arising out of P.S. Case No. -1075 Year- 2013 Thana -
DARBHANGA COMPLAINT CASE District- DARBHANGA

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1. Birendra Mandal.
2. Bhogendra Mandal Both Sons of Late Farebi Mandal Both
resident of village- Sanor Bhatha Tol, P.S.- Simari, District-
Madhubani.
- Petitioner/s
- Versus
1. The State of Bihar.
2. Jibachhi Devi Wife of Birendra Mandal, D/o Kalar Mandal
resident of village- Telhan, P.S.- Town, District- Darbhanga.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

Learned Counsel for the Petitioners seeks
permission to withdraw the application so far as the
Petitioner No. 1, Birendra Mandal is concerned.

The application is dismissed as withdrawn with
regard to Petitioner No. 1.

The Petitioner No. 2, Bhogendra Mandal seeks
quashing of the proceeding including the order of
cognizance dated 15/16.11.2013 passed by the Sub-
divisional Judicial Magistrate, Darbhanga in Complaint
Case No. 1075 of 2013.

The case of the Complainant is that she was
married to the Petitioner No. 1 about two years ago on

which occasion large number of gifts were given to the in-laws. However, when she came to her matrimonial home the accused persons assaulted and abused her and finally ousted her from there.

The submission of the Petitioner No. 2 is that even conceding the allegations in the First Information Report there is nothing specific against him who happens to be her brother-in-law. He has only been roped so as to entangle the entire family in litigation.

On the other hand, the Counsel for the Complainant submits that since the Petitioner No. 2 was the brother-in-law it was his duty to resolve the dispute and, hence, he should be put on trial.

Having considered the nature of allegations, the proceeding as against the Petitioner No. 2 including the order of cognizance dated 15/16.11.2013 passed by the Sub-divisional Judicial Magistrate, Darbhanga in Complaint Case No. 1075 of 2013 is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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