

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6425 of 2015

Arising Out of PS.Case No. -307 Year- 2009 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Dharmendra Kumar Singh @ Dharmendra Kumar, son of late Rambriksha Singh, resident of village - Mahsoura, P.S. Ramgarh Chowk, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Kumari @ Rinku Kumari @ Kumari Anusuiya, wife of Dharmendra Kumar Singh, and daughter of Suryadeo Singh, resident of village - Mahsoura, P.S. Ramgarh Chowk, District - Lakhisarai , at present residing at village - Rajabigha, P.S. Muffasil, District - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioner seeks quashing of the order of cognizance dated 27.08.2009 passed by the Sub-Divisional Judicial Magistrate, Nawada, in Complaint Case No.307 of 2009/2155 of 2009.

The case of the Complainant is that she was married to the Petitioner in the year 1995 but she was tortured for ends of dowry and ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner that even before the present complaint the Petitioner had filed Matrimonial Suit for dissolution of marriage in the Court of the

Additional District Judge, Tis Hazari Court, Delhi, being HMA No.104 of 2008. Notice had been issued to the Opposite Party No.2 but she did not appear there. Then the marriage was dissolved by a decree dated 27.11.2008. It appears that subsequently the lady remarried another person and Marriage Registration Receipt is annexed as Annexure-3.

In this background, notice had been issued to the Opposite Party No.2, but despite service of notice upon the counsel appearing on her behalf in the Court below, she has chosen not to appear before this Court.

Accepting the unimpeachable document, this Court would be of the opinion that in all probabilities the Complainant is not desirous of prosecuting the Petitioner.

Hence, the order of cognizance dated 27.08.2009 passed by the Sub-Divisional Judicial Magistrate, Nawada, in Complaint Case No.307 of 2009/2155 of 2009 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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