

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38799 of 2011

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

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1. Smt. Saroj Kumari wife of Ravindra Kumar daughter of late Sukhdeo Prasad
 2. Satya Prakash
 3. Binod Kumar both sons of late Sukhdeo Prasad

All are at present residents of Mohalla Purab Darwaja P.O Patnacity P.S Chowk Town & District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ravindra Kumar, son of late Sitaram, resident of Mohalla-Bajrangpuri Gujarbagh P.S. Alamganj District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2015

The petitioners seek quashing of the order of cognizance dated 25. 09. 2008 passed by the Judicial Magistrate, Patna city in Complaint Case No. 344 of 2006.

The case of the complainant is that he was married to the petitioner no. 1 on 08.12.2004 but her behaviour towards him and his family members was not good. The petitioner no. 1 had always quarreled with the in-laws and left the matrimonial home with all articles on 12.02.2005. On 29.04.2006 petitioner no. 2 who happens to be brother of the petitioner no. 1 telephoned him and told him in an abusive language to pay sum of Rs. 5 lacs for leaving his sister. The other brother also started threatening him with such demands.

It has been submitted on behalf of the petitioners that fact of the matter is that Petitioner no. 1 and the Opposite Party no. 2 were married and there

were some matrimonial incompatibility on account of which the O.P. No. 2 filed Matrimonial Case No. 140 of 2006 for decree of divorce. The Petitioner no. 1 also filed a complaint case against her in-laws vide Complaint Case No. 472 of 2006 on account of torture having been meted out to her. In this background, the present allegation of unfair demands by the Petitioners appear to be imaginary and absurd.

On the other hand counsel for the complainant submits that the matrimonial suit filed by the husband is at the stage of argument.

Considering the nature of allegation against the wife and her brothers, I would be inclined to hold that the present case has been filed with imaginary and absurd allegations. Accordingly, the order of cognizance dated 25. 09. 2008 passed by the Judicial Magistrate, Patna City in Complaint Case No. 344 of 2006 is hereby set aside.

The application is allowed.

(Anjana Prakash, J)

Prakash/-

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