

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10634 of 2014

Arising Out of PS.Case No. -1300 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Santosh Singh @ Satyendra Prasad Singh Son Of Late Haribansh Narayan Singh
 2. Mrigendra @ Babloo Son Of Santosh Singh
 3. Narendra @ Paplu Son Of Santo Singh 1 To 3 Are Resident Of Mohalla - Near Do Pulba, New Purandarpur, P.S.- Jakkanpur, District - Patna
 4. Rampati Singh Son Of Late Haribansh Narayan Singh
 5. Mantu Singh Son Of Late Haribansh Narayan Singh
 6. Navinn Kumar Son Of Rampati Singh 3 To 6 Are Resident Of Mohalla- Hakikatpur, P.S.- Bakhtiyarpur, District - Patna
 7. Sanjay Singh Son Of Late Ram Shinghasan Singh
 8. Upendra Singh Son Of Late Ram Bilash Singh
 9. Smt. Seema Devi Wife Of Sanjay Singh 7 To 9 Are Resident Of C/O - Santosh Singh, Jakkanpur, Dopulwa Ke Nazdik, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ashwani Kumar Son Of Anandi Singh Resident Of P.C. Colony 638, P.S.- Kankarbagh, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma, Advocate
For the State : Mr. Shyam Bihari Singh, APP
For Opposite Party No.2 : Mr. Dipak Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-11-2015

The Petitioners seek quashing of the order of cognizance dated 10.2.2011 passed by the court of Smt. Gyatri Kumari, J.M., 1st class, Patna in Complaint case No.1300 of 2010.

The case of the Complainant is that he was married to the daughter of the Petitioner No.1 on 27.1.2008 and after the marriage one child was born on 11.11.2008. However the attitude of the wife



changed when she returned from her maternal home and she started demanding partition of the house and other property and to live separately. Thereafter she went to her maternal home and never returned. Then the Complainant filed Matrimonial case No.398 of 2009 before the Principal Judge, Family Court, Patna for restitution of conjugal rights. Thereafter his wife filed Complaint case No.1835C of 2009. On 12.2.2010 all the accused persons variously armed came to his house and assaulted him and fled away with house hold articles. On his information the police had arrived but they did not take any action over the matter.

It has been submitted that evidently the present Complaint is frivolous and has been filed on account of the matrimonial dispute between the Complainant and the daughter of the Petitioner No.1 and only to screen himself from the Complaint having been filed by her.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had acted in a high handed manner, they should be put on trial.

Having considered the background facts, I would be inclined to agree with the submission so raised on behalf of the Petitioners. Hence, the application is allowed and the proceeding including the order of cognizance dated 10.2.2011 passed by the court

of Smt. Gyatri Kumari, J.M., 1st class, Patna in Complaint case
No.1300 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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