

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47099 of 2014

Arising Out of PS.Case No. -2063 Year- 2013 Thana -SIWAN COMPLAINT CASE District-SIWAN

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1. Amit Kumar Gupta @ Amit Gupta, S/o Achhelal Gupta,
 2. Achhelal Gupta, son of Late Mishra Lal,
 3. Umrawati Devi, wife of Achhelal Gupta,
 4. Birbal Gupta, son of Achhe Lal Gupta,
 5. Narad Gupta son of Achhe Lal Gupta,
 6. Pamila Devi, wife of Narad Gupta,
 7. Chandan Gupta, son of Achhel Lal Gupta,
 8. Chinta Devi, daughter of Achhe Lal Gupta, all resident of village - Gajiyapur, Post - Chorma, Police Station - Bhagwanpur, Hat, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Pushpanjali Devi @ Bebi, wife of Amit Kumar Gupta, resident of village - Gajiyapur, Post - Chorma, Police Station - Bhagwanpur Hat, District - Siwan at present - daughter of Ramayan Sah resident of village - Sultanpur Khurd, P.O. Ladhi, Via - Goreakothi, P.S. Jamo Bazar, District - Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Bijay Kumar Singh, Advocate
Mr. R. B. Roy 'Raman', APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-12-2015

The Petitioners seek quashing of the order of cognizance dated 22.11.2013 passed by the Sub-Divisional Judicial Magistrate, Siwan, in Complaint Case No.2063 of 2013.

In the nature of dispute between the parties, both of them have been summoned to the Chambers.

The Petitioner No.1 is present, whereas, Opposite Party No.2 could not be present because of some illness instead her

guardian is present.

It appears that the spouses will not resume matrimonial relationship nor will they settle the matter on any terms.

The admitted position is that the Opposite Party No.2 has filed a case under Section 498-A Indian Penal Code against her husband, father-in-law, and brother-in-law in Assam which is proceeding.

In such circumstances, evidently, the present Complaint for the same cause of action should not continue since it is multiplicity of the proceeding.

In view of such, the order of cognizance dated 22.11.2013 passed by the Sub-Divisional Judicial Magistrate, Siwan, in Complaint Case No.2063 of 2013, is hereby set aside without prejudice to the rights of the parties.

It will be open to the Opposite Party No.2 to bring the fact of the present complaint also in the case instituted in Assam so as to no prejudice is caused to her.

The application stands **allowed**.

(Anjana Prakash, J)

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