

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8219 of 2011

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

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1. Pankaj Kumar Choudhary, S/O Shri Shtrughan Choudhary, resident of G- 05 Hope Arya Apartment, Maurya Path, Khajpura Baily Road, P.S- Rajiv Nagar, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyotindra Kumar Sharan, S/O Late Ram Nandan Prasad, R/O Osho Nilyam Daudpur Kothi, Near Laxmi Chowk, MIT, Muzaffarpur, Bihar, at present Godawari -23, Building No. 39, SBI Officers Quarter Oshiwara Mahada Andheri, West Mumbabi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. Singh, APP

Ms. Kumari Jyoti, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

1. The Petitioner seeks quashing of the order of cognizance dated 30th January, 2010, passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.14-c of 2010.

2. The Petitioner happens to be the brother-in-law (Sala) of the Complainant and there was some matrimonial dispute between his sister and the Complainant on account of which she had filed Complaint case. Later on, the Complainant tried to bring his wife from the clutches of his in-laws but he could not succeed and instead the accused assaulted him and tore his shirt. It is for this reason that the complaint was filed.

3. Submission of the Petitioner is that evidently in

the background of matrimonial dispute between the Complainant and his wife the Petitioner has been falsely implicated in the absurd Complaint Petition.

4. On the other hand, counsel for the Complainant submits that even admitting the relationship as he has done in the Complaint Petition since the Petitioner acted in highhanded manner he should be put on trial.

5. Considering the nature of allegation, I am inclined to hold that it is a frivolous Complaint Petition and deserves to be set aside.

6. Hence, the order of cognizance dated 30th January, 2010, passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.14-C of 2010 is hereby set aside.

7. The application stands allowed.

8. However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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