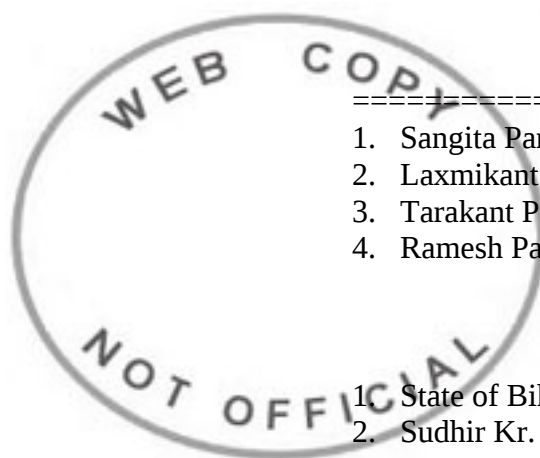




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41513 of 2008

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

- =====
- 1. Sangita Pandey wife of Sudhir Kumar Pathak.
 - 2. Laxmikant Pandey son of late Nand Kishore Pandey
 - 3. Tarakant Pandey son of Laxmikant Pandey.
 - 4. Ramesh Pathak @Dr. Rameshmani Pathak son of Sidhayswar Pathak

.... Petitioner/s

Versus

- 1. State of Bihar.
- 2. Sudhir Kr. Pathak son of Late Ram Bahadur Pathak

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.
Mr. Seema
For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 29-06-2015

The petitioners seek quashing of the order of cognizance dated 09.05.2007 passed in Complaint Case No. 882 C of 2005 by the S.D.J.M, West Muzaffarpur.

The case of the complainant is that on the date of occurrence his in-laws and wife came to his house and stole away cash and ornaments.

It has been submitted on behalf of the petitioners that the Petitioner no. 1 was married to the complainant but when she went to the matrimonial home she was brutally assaulted on account of which she went to the District Administration for help. An attempt was made for reconciliation. However, nothing happened on account of which

the Petitioner No. 1 instituted Complaint Case No. 155C of 2005 on 18.01.2001. After having come to the knowledge of the aforesaid case the instant complaint was filed by her husband to create defence.

It has been submitted on behalf of the petitioners that in the background facts, evidently the present case has been filed for harassment and should be set aside.

On the other hand complainant submits that he has been harassed by the petitioners and cognizable offences are made out in the complaint and hence they should be put on trial. Further submission is that two cases under Section 498A IPC have been filed and another case has been instituted by him because of subsequent theft. Apparently the petitioners are acting in a high handed manner.

Having considered the background facts of the case and nature of relationship, in my opinion, the present case is a gross abuse of the process of the Court and the same should be set aside. Hence the application is allowed and the order of cognizance dated 09.05.2007 passed in Complaint Case No. 882 C of 2005 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--