

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39232 of 2013

Arising Out of PS.Case No. -938 Year- 2011 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Anita Devi Wife Of Subhashendra Sinha And D/O Of Vijay Singh
 2. Pramod Kumar Son Of Vijay Singh
 3. Manoj Kumar Son Of Vijay Singh, all Resident Of Village - Sultanpur, P.S. Makhdumpur, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Subhash Kumar Sinha son of late Ramchandra Singh, resident of village Lathbigha, P.S. Khizarsarai, Distt. Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

The Petitioners seek quashing of the order of cognizance dated 8.10.2012 passed by the Judicial Magistrate, 1st class, Gaya in Complaint case No.938 of 2011 (Trial No.1325 of 2013).

The case of the Complainant is that on the date of occurrence the accused persons came to his house and using abusive language and took away the house hold articles.

It has been submitted on behalf of the Petitioners that as stated in the Complaint the Petitioner No.1 happens to be the wife of the Complainant and she had filed a Criminal Complaint against her husband and in-laws vide Complaint 228 of 2011. It is thereafter that

the present Complaint was filed with a view to harass the Petitioners and coerce them into compromise.

On the other hand, the Counsel for the Complainant submits that since cognizable offences are made out in the facts of the case, the Petitioners should not be exonerated.

Having considered the nature of allegations and the relationship, I would be inclined to hold that in the background dispute the present Complaint is frivolous in nature and deserves to be set aside.

Hence, the application is allowed and the order of cognizance dated 8.10.2012 passed by the Judicial Magistrate, 1st class, Gaya in Complaint case No.938 of 2011 (Trial No.1325 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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