

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4160 of 2013

Arising Out of PS.Case No. -1793 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ranjeet Kumar @ Ranjeet Singh S/O Late Ramugarh Singh Resident Of Village- Ismailpur, P.S- Parsabazar, Distt- Patna.
 2. Chandra Prabha Devi W/O Late Ramugarh Singh Resident Of Village- Ismailpur, P.S- Parsabazar, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sadhna Kumari W/O Ramjeet Kumar @ Ramjeet Singh And D/O Jagdish Chandra Sinha Village- Ismailpur, P.S- Parsa Bazar, Distt- Patna At Present C/O Vimalla Kant, Village- Chihilli, P.S- Beaur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner: Mr. N.K. Agrawal, (Sr. Adv.) Mr. Manoj Kumar Pandey

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

For State: Mr. Sanjay Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

9 23-07-2015

Heard learned senior counsel appearing on behalf of the petitioner, learned counsel for the Opposite Party No. 2 and learned A.P.P. for the State.

The petitioner seeks quashing of the order dated 05.11.2012 passed by the learned Judicial Magistrate, Patna in Complaint Case No. 1793(c)/2010 whereby, the petition of discharge filed by the petitioner under Section 245 Cr.P.C. has been dismissed.

During course of hearing, on 25.6.2015 learned counsel

for the petitioner had sought permission to withdraw the application against petitioner no. 1, which was allowed and the application was dismissed as withdrawn against petitioner no. 1.

Learned counsel for the sole petitioner Chandra Prabha Devi who is mother-in-law submits that during course of deposition, the O.P. No. 2 has not levelled any allegation of physical torture against the petitioner. It has been informed by the learned counsel for the petitioner that the husband is paying Rs. 2500/- to the O.P. No. 2 (wife) by the order of the court below in maintenance case.

Under the facts and circumstances the order dated 05.11.2012 passed by the learned Judicial Magistrate, Patna in Complaint Case No. 1793© of 2010 is set aside. The application is allowed.

(Nilu Agrawal, J)

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