

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35382 of 2012

Arising Out of PS.Case No. -373 Year- 2005 Thana Begusarai, District- BEGUSARAI

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Ranjana Mishra, wife of late Bipin Kumar Mishra, resident of Mohalla New Professor Colony, Kamini Niwas, P.S. Town (Begusarai), Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Anjani Kumar Mishra, son of late Harkeshwar Mishra, resident of village Bharatkhand, P.S. Parbatta, Distt. Khagaria, at present residing at Professors Colony, Kamini Niwas, P.S. Town, Distt. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the State : None.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2015

No one appears on behalf of the Petitioner.

The Petitioner who is the daughter-in-law of the Opposite Party No. 2 seeks quashing of the order dated 13.7.2012 in Town (Begusarai) P.S. Case No. 373 of 2005, G.R. No. 2856 of 2005 by which the Judicial Magistrate, 1st Class, Begusarai, has refused to discharge the Petitioner.

The case of the Informant is that he constructed two houses, one of which was in occupation of the Petitioner. Since the relationship between the Parties was not very good, she used to torture him in various ways. On the date of occurrence, the Petitioner along with others is said to have forcibly entered into the flat and taken away household articles including his gun.

It has been submitted on behalf of the Petitioner that the

Informant indulged in several immoral works and nefarious activities, whereas, she herself was educated and a Teacher had purchased a certain piece of land in Begusarai where she was living, she in accordance with an agreement arrived at between them, but, unfortunately, her dwelling was disturbed in various ways. The Informant, then, tried to sell the land to another person, for which, her son filed a title suit on 26.1.2005, which was pending before Sub Judge-I, Begusarai.

Under these circumstances, evidently, the present First Information Report with allegations of trespass, mischief and theft is not only absurd but also unbelievable.

Having gone through the facts of the First Information Report and the documents, I would be inclined to agree with the submission of the counsel for the Petitioner.

Hence, the application is allowed and the entire Proceeding including the order dated 13.7.2012 passed by the Judicial Magistrate, 1st Class, Begusarai, in Town (Begusarai) P.S. Case No. 373 of 2005, G.R. No. 2856 of 2005, is hereby set aside.

However, this order shall not prejudice the right of any party in any manner.

(Anjana Prakash, J)

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