

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35367 of 2012

Arising Out of PS.Case No.116 Year- 2011 Thana Belhar District- BANKA

- =====
1. Damodar Barnwal, son of late Rameshwar Barnwal
 2. Premlata Devi, wife of Damodar Barnwal
 3. Gopal Barnwal, son of Damodar Barnwal
 4. Indu Devi, wife of Gopal Barnwal
- All resident of village Sahebganj Bazar, P.S. Belhar, Distt. Banka.
5. Rina Devi, wife of Arbind Barnwal @ Arbind Kr. Agrawal
 6. Arbind Barnwal @ Arbind Kr. Barnwal, son of Mohan Barnwal
- Both resident of Telwa, P.S. Simultala, Distt. Jamui.
7. Arun Barnwal, son of Hari Prasad Barnwal, resident of Sahebganj Bazar, P.S. Belhar, Distt. Banka.
 8. Gopal Burnwal, son of late Sarjug Lal Barnwal
 9. Munni Devi, wife of Gopal Burnwal
- Both resident of Bakrachatti, Asansol, P.S. Asansol (Town), Distt. Burdwan
- Petitioner/s

Versus

1. The State of Bihar
 2. Kiran Devi, son of late Murari Barnwal, r/o Sahebganj, P.S. Belhar, Distt. Banka.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s :

For the State :

For the Opposite Party No. 2

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2015

No one appears on behalf of the Parties.

The Petitioners seek quashing of the order of cognizance dated 7.6.2012 passed by the Chief Judicial Magistrate, Banka, in Belhar P.S. Case No. 116 of 2011

The case of the Informant is that she was married to Mumari Barnwal in the year 2007 after which two children were born out of the wedlock. She used to live separately along with her husband

who had started a business. Unfortunately, on 15.7.2011, her husband died in a Motorcycle accident whereafter her in-laws took away all the business articles and money etc on account of which she started living in her maternal home.

Whereas the Petitioners No. 1 and 2 are concerned, they are the parents-in-law and the rest of the Petitioners are brother-in-law, sister-in-law and the respective husbands/wives.

On going through the First Information, it appears that it is only for her share of the family property that the First Information Report was instituted and, finding no Criminal offence made out in the facts of the case, the application is allowed and the order of cognizance dated 7.6.2012 passed by the Chief Judicial Magistrate, Banka, in Belhar P.S. Case No. 116 of 2011 is hereby set aside.

However, this order shall not prejudice the claim of any Party.

(Anjana Prakash, J)

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