

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35168 of 2012

Arising Out of Complaint Case No. -410 Year- 2010 District- AURANGABAD

- =====
1. Amarnath Prajapati, S/O Sheo Prajapati
 2. Prem Nath Prajapati, S/O Sheo Prajapati
- Both resident of village/Mohalla- Hamidganj, P.S.- Daltonganj, District- Palamu (Jharkhand)
3. Om Prakash Prajapati, S/O Sita Ram Prajapati, Resident And P.S.- Daltonganj, District- Palamu (Jharkhand)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Domani Devi, D/O Poran Prajapati, Resident Of Village- Maharajganj, P.S.- Hariharganj, P.S.- Kutumba, District- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kr. Agrawal, Adv.

For the Opposite Party No. 2 : Mr. Sanjay Kumar, Adv.

Mr. Rajeshwar Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 30.3.2012 passed by the Sub Divisional Judicial Magistrate, Aurangabad, in Complaint Case No. 410 of 2010.

The case of the Complainant is that she was married to Amar Nath Prajapati, Petitioner No. 1 according to Hindu rites and she is living with him as his wife. However, she was tortured for non-payment of additional dowry and she alleged that her husband remarried another lady. She was lastly ousted from her matrimonial

home.

Since beginning, the Petitioner No. 1 has been agitating that he is not husband of the Complainant who was unknown to her. On such submission, both the wife and husband were called in the Chambers of the Court, where, the Complainant failed to identify the Petitioner No. 1 thus substantiating the submission of the Petitioners.

On the last occasion, the counsel for the Complainant was directed to explain Annexure-3 which was an order of a Bench of this Court noting the aforesaid facts, but he has not appeared to do so, on repeated calls.

Considering the aforementioned, the application is allowed and the entire Proceedings including the order dated 30.3.2012 passed by the Sub Divisional Judicial Magistrate, Aurangabad, in Complaint Case No. 410 of 2010, is, hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

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