

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49499 of 2012

Arising Out of PS.Case No. 580 Year- 2000 Thana -null District- -

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1. Dr. Yogendra Kumar S/O Late Dukhan Sah
2. Santosh Nayak S/O Dr. Yogendra Kumar
3. Sunil Nayak S/O Dr. Yogendra Kumar
4. Balkeshi Devi W/O Dr. Yogendra Kumar, all of Village- Nanhak Chack, P.S- Bidupur, Distt- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mukesh Kumar S/O Lal Babu Sah, Resident Of Maner, Charhajar, P .S- Maner, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Iftexhar Mahmood, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

The Petitioners seek quashing of the order of cognizance dated 6.11.2000 passed by the A.C.J.M., Danapur in Complaint case No.580C of 2000 corresponding to Trial No.1002 of 2000.

The case of the Complainant is that the accused persons came to his house on the date of occurrence and on a false pretext that his wife, daughter of Petitioner No.1 and 4, was ill and for treatment Rs.20,000/- was required, took Rs.10,000/- from him. When he went to the parents-in-law's house he found that she was well and when she demanded an explanation he was assaulted.

It has been submitted that it is true that the daughter of

Petitioners No.1 and 4 was married to the Opposite Party No.2 but she was tortured for ends of dowry, on account of which she filed Bidupur P.S. case No.186 of 2000, whereafter the present Complaint was filed evidently with a view to screen himself from the prosecution initiated by his wife.

Notices had been issued to the Opposite Party No.2 but despite service of notice he has chosen not to appear before this Court.

Having gone through the background facts, I would be inclined to agree with the submissions raised on behalf of the Petitioners. Hence, the application is allowed and the proceeding so far as the Petitioners are concerned including the order of cognizance dated 6.11.2000 passed by the A.C.J.M., Danapur in Complaint case No.580C of 2000 corresponding to Trial No.1002 of 2000 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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