

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13914 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- LAKHISARAI

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Kishori Lal Late Keshwar Ram Village-Tehta,P.S. Makhadumpur, District-Jehanabad.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sunil Prasad Gava Prasad Ward No.23,Naya Bazar,Pachna Road,Town,Police Station And District-Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

The petitioner seeks quashing of the order of cognizance dated 07.01.2010 passed by the Chief Judicial Magistrate 1st Class, Lakhisarai in Complaint Case No. 504 C of 2009.

The case of the complainant is that he was married to the daughter of the petitioner 10 years back but there was some issues which led to their separation. It was decided that on payment of certain money there would be no further demand but subsequently he received a demand notice from the Court and hence he filed the present complaint.

It has been submitted on behalf of the petitioner that even conceding the allegation in the complaint petition, no criminal offence

would be made out and prosecution is illegal.

On the other hand complainant submits that since the accused persons committed breach of agreement, they should be put on trial.

On going through the facts of the complaint, I would be inclined to hold that the continuance of the present complaint would be gross abuse of the process of the court and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 07.01.2010 passed by the Chief Judicial Magistrate 1st Class in Complaint Case No. 504 C of 2009 is hereby set aside.

(Anjana Prakash, J)

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