

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39026 of 2011

Arising Out of PS.Case No. 226 Year- 2009 Thana -null District- PATNA

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1. Krishna Bihari Prasad @ Upendra Sao S/O Late Pokhan Sao
2. Sunita Devi W/O Mukesh Sao @ Mukesh Kumar And D/O Krishna Bihari Prasad @ Upendra Sao, Resident Of Village- Pachaina, P.O.- Naya Mohammadpur, P.S.- Koilwar, Dist.- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mukesh Sao @ Mukesh Kumar S/O Late Kavindra Sao, Resident Of Village- Soniawan, P.O.- Jamui, P.S.- Dulhin Bazar, Dist.- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Pd. Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 23-03-2015

The Petitioners seek quashing of the order of cognizance dated 16.4.2009 passed by the court of Sri Kumar Mannu, Judicial Magistrate, 1st class, Danapur in Complaint case No.226C of 2009 as also the Revisional order dated 17.3.2011, by which the Additional Sessions Judge VII, Patna has affirmed the said order in Criminal Revision No.513 of 2009.

The case of the Complainant is that he was the son-in-law of the Petitioner No.1 and husband of Petitioner No.2 and on the date of occurrence he went for 'Vidai' of his wife. However, the in-laws started making unfair demands on him and thereafter threatened him

on pistol point. He was also assaulted and his personal possessions were snatched.

The submission of the Petitioners is that fact of the matter is that the Petitioner No.2 and the Complainant had married but some differences arose, on account of which Case No.8 dated 25.2.2009 was filed in Gram Kachahari. The next date for hearing was fixed on 21.3.2009 and notices were issued to the Complainant and the witnesses. In the mean while the present Complaint was filed on 16.3.2009 with trumped up charges. It is in this background facts mentioned above that the Petitioners seek quashing of the proceeding on the ground that the present Complaint is malicious in nature.

On the other hand, the Counsel for the Complainant submits that he and his witnesses have supported the case on Solemn Affirmation and enquiry and hence the Petitioners should be put on trial.

Having considered the background facts mentioned above, I would be inclined to hold that the present Complaint is 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 16.4.2009 passed by the court of Sri Kumar Mannu, Judicial Magistrate, 1st class, Danapur in Complaint case No.226C of 2009 as also the Revisional order dated 17.3.2011 passed by the

Additional Sessions Judge VII, Patna in Criminal Revision No.513 of
2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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