

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6211 of 2015

Arising Out of PS.Case No. -191 Year- 2007 Thana -GIRIYAK District- NALANDA (BIHARSHARIFF)

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1. Pyari Devi, Wife of Late Faudi Singh
 2. Rita Devi, Wife of Sunil Singh
 3. Sunil Singh
 4. Mithu Singh,
Both are Sons of Late Phaudi Singh
 5. Rajiva Kumar @ Sarjan, Son of Late Phaudi Singh
- All are resident of village - Parma, P.S. Nardiganj, District Nawada

.... Petitioners

Versus

1. The State of Bihar.
 2. Dharmraj, S/o Tarkeswar Singh, Resident of village - Pakkerpur, P.S.-Giriyak,
District – Nalanda
- Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-08-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek quashing of the order dated
18.11.2009 passed by the learned Chief Judicial Magistrate,
Biharsharif, Nalanda in Giriyak P.S. Case No. 0191/2007 dated
01.12.2007, whereby finding a prima facie case to be made out,
cognizance has been taken under Sections 498-A, 304-B, 201 and
120-B of the Indian Penal Code against the petitioners.

The petitioners are named in the FIR. There is allegation that the victim was being subjected to cruelty in her matrimonial home at the hands of accused persons including the petitioners.

The case was initially registered as a complaint which was referred to police under Section 156(3) of the Code of Criminal Procedure pursuant to which the FIR was instituted. On completion of investigation, the police submitted charge sheet against the petitioners and kept the investigation open as against other accused persons.

The learned Magistrate after taking into consideration the allegations made in the FIR and the materials collected during investigation found a prima facie case to be made out against the petitioners and, thus, took cognizance of the offence vide order dated 18.11.2009. The said order dated 18.11.2009 is under challenge before this Court in an application which has been filed on 12th February, 2015.

In my view, no case for interference is made out. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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