

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16134 of 2011

Arising Out of PS.Case No. -649 Year- 2006 Thana -null District- SAMASTIPUR

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1. Ganesh Sharma, son of late Alakhdeo Sharma,
 2. Jeetendra Kumar, son of Ganesh Sharma,
 3. Anil Kumar @ Satya Prakash Sharma, son of Ganesh Sharma,
 4. Sona Devi, wife of Ganesh Sharma &
 5. Satyendra Kumar, son of Ganesh Sharma, all are resident of Sona Bhawan,
Bahalkaha Road, P.s.-Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Bihari Lal Rai, son of Late Sheonandan Rai, r/o village-Jeetrwarpur Nizamat,
P.S.-Muffasil, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

1. No one appears on behalf of the Opposite Party

No.2.

2. The Petitioners seek quashing of the order of cognizance dated 14.07.2010 passed in Town (Muffasil) Samastipur P.S. Case No.649 of 2006 by the Chief Judicial Magistrate, Samastipur.

3. The case of the Complainant is that he had fixed his daughter's marriage with Sunil Kumar in which some of the accused persons were mediators. According to negotiation, the Informant gave a sum of ₹two lac to Accused No.1 in front of other accused and the date of marriage was fixed on 17.05.2005.

Subsequently, he paid some more money but they did not solemnize the marriage. The Informant's wife then filed a Complaint Petition where the accused persons appeared and said that they would refund the amount at which the Complaint Petition was withdrawn on 05.11.2005. However, they did not do so. The Informant then went to the house of accused where he was assaulted and then the present case was instituted.

4. It has been submitted that the Petitioners are neither the agnates nor caste men of Accused No.1 and had no concern with the financial transactions between the parties. All other allegations with regard to the Petitioners are patently false levelled only because they were mediators in the marriage.

5. Considering such aspect of the matter, the order of cognizance dated 14.07.2010 passed in Town (Muffasil) Samastipur P.S. Case No.649 of 2006 by the Chief Judicial Magistrate, Samastipur, is hereby quashed in so far as only the Petitioners are concerned.

6. The application stands allowed.

(Anjana Prakash, J)

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