

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47373 of 2008

Arising Out of Complaint Case No.425C Year- 2002 District- KHAGARIA

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1. Amrendra Kumar @ Dablu Kumar
 2. Amit Kumar @ Babloo Kumar

Both are sons of Sidhnath Misha and are resident of Basgarha Sherpur, P.S. Basdevpur, Distt. Munger.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Ashok Kr. Jh, son of late Bhuneshwar Jha, r/o Bisauni, P.S. Parbatta, Distt. Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Adv.
Mr. Avinash, Adv.
Mr. Shambhunath 'Suman', Adv.
For the State : Mr. Anant Prasad Singh, A.P.P.
For the Opposite Party No. 2: Mr. Rajesh Kumar Singh, Adv.
Mr. Lal Babu Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 23.6.2003 passed by the Sub Divisional Judicial Magistrate, Khagaria, in Complaint Case No. 425C of 2002.

The case of the Complainant is that when he was posted at Arunachal Pradesh, the accused No. 1 came and got him forcibly married to his daughter and also took a sum of Rs.50,000/- from him and assured to return the same, but he did not do so.

It has been submitted on behalf of the Petitioners that there is no allegation against the Petitioners. There was never any forcible marriage or else he would never have had two children. The

second part of the allegation with regard to the borrowing of 50,000/- by the father of the Petitioners, also appears to be absurd as because in the relationship, such type of transaction between them is not possible and moreover, it is merely an oral transaction.

On the other hand, the counsel for the Complainant submits that since the father of the Petitioners did not return the borrowed amount of Rs.50,000/- to the Complainant, the Petitioners should also be put on Trial.

Having considered the nature of allegation and the relationship between the Parties, in my opinion, it is in their interest that the present Prosecution be set aside.

Hence, the application is allowed and the entire Proceeding including the order dated 23.6.2003 passed by the Sub Divisional Judicial Magistrate, Khagaria, in Complaint Case No. 425C of 2002 is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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