

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13222 of 2013

Arising Out of PS.Case No. -27 Year- 2012 Thana -MAHILA P.S. District- SAHARSA

Prabhash Kumar Singh son of Fuleshwar Prasad Singh.

.... .. Petitioner/s

Versus

1. State of Bihar.
2. Reshma Kumari Singh wife of Prabhash Kumar Singh.

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-09-2015

The petitioner seeks quashing of the order of cognizance dated 3.12.2012 passed by the Chief Judicial Magistrate, Saharsa in Saharsa Mahila P.S. Case No. 27 of 2012.

The case of the informant is that she was married to the petitioner in the year 1993 and has two children out of the wedlock. However, the accused persons started torturing her on account of which she filed the present case.

It has been submitted on behalf of the petitioner that indeed the petitioner and the O.P. No. 2 were married and after marriage certain issues arose between them on account of which the complainant filed Complaint Case No 362C of 2004. The matter was sent to the Loak Adalat where the issues were settled. Since then she has been living with another person which is evident from the

marriage certificate annexed as Annexure 4. However, later on she developed anger and filed present complaint so as to pressurize the petitioner. Moreover, it is impossible to believe that a person would be tortured for ends of dowry after marriage in the year 1993 and even after birth of two children.

On the last occasion notices had been issued to the O.P. No. 2 but none appeared on her behalf.

Having considered the facts stated in the complaint petition and the documents pressed by the petitioner, the application is allowed and the order of cognizance dated 3.12.2012 passed by the Chief Judicial Magistrate, Saharsa in Saharsa Mahila P.S. Case No. 27 of 2012, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

U			
---	--	--	--