

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21538 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Bansidhar Pandey @ B.D.Pandey son of late Brahmdeo Pandey
 2. Sunil Pandey son of Bansidhar Pandey
 3. Sanjay Kumar Pandey son of Bansidhar Pandey

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vidyashankar Pandey son of Dharamdeo Pandey resident of 201 Maharishi Rabindra Road P.S. Calcutta District Calcutta

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

A supplementary affidavit has been filed stating therein that the Petitioner no. 1 is now dead. Let it be kept on record.

The application so far as the Petitioner no. 1 is concerned is dismissed as having become infructuous.

The petitioners seek quashing of the order dated 22.12.2008 passed by the Judicial Magistrate, Danapur in Danapur P.S. Case No. 325 of 2007.

The case of the complainant is that he had fixed his daughter's wedding with Sunil Pandey Petitioner no. 2 and in engagement some transactions had taken place. However, the marriage negotiation did not fructify. Hence the present first information report.

On the last occasion notices have been issued to the O.P. No. 2 but none appeared in his behalf.

It is submitted on behalf of the petitioners that the Petitioner no. 1 was the head of the family and dowry, if any had been accepted, it would be by him and since he is no more the prosecution so far as the petitioners no. 2 and 3 being his sons, their trial would be a futile exercise.

Having gone through the first information report, I would be inclined to agree with the submissions so raised by the petitioners. Hence the application is allowed and the order dated 22.12.2008 passed by the Judicial Magistrate, Danapur in Danapur P.S. Case No. 325 of 2007, is hereby quashed.

(Anjana Prakash, J)

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