

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23531 of 2012

Arising Out of Complaint .Case No. -409 Year- 2011 District- NAWADA

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1. Smt. Pushpa Devi, W/O Shankar Lal Sharma,
 2. Ravi Sharma, S/O Shankar Lal Sharma
 3. Arti Devi, D/O Shankar Lal Sharma
 4. Shankar Lal Sharma S/O Late Ram Prasad Sharma

All are residents of Mohalla - Lakhi Babu Ka Baghicha Khalifabagh Chowk,
D.N. Singh Road, Bhagalpur, District – Bhagalpur

.... Petitioners

Versus

1. The State of Bihar
2. Rajendra Prasad Sharma, S/O Late Durga Prasad Sharma, R/O Village - Warisaliganj (Ward No. 11) P.S. Warisaliganj, District - Nawada

.... Opposite Parties

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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: 07-04-2015

The petitioners seek quashing of the order of cognizance dated 09.02.2012 passed by the Judicial Magistrate 1st Class, Nawada in Complaint Case No. 409 of 2011/2419 of 2012.

The case of the complainant is that his son was married to petitioner no. 3 on 01.12.2009 but there were some differences, on

account of which their relationship became strained. The accused persons came to his house and disappeared with two suitcases, ornaments and cash from his house.

It has been submitted on behalf of the petitioners that the relationship is admitted and in fact, the petitioner no. 3 had earlier filed Compliant Case No. 1765 of 2010 against her in-laws in which cognizance has been taken. She had also filed a case under Section 125 Cr.P.C. vide Misc. Case No. 56 of 2011 before the court of Principal Judge, Family Court, Bhagalpur. In order to compel the petitioners to compromise the aforesaid cases, the present complaint has been filed maliciously.

On the other hand, the counsel for the complaint submits that since prima facie a criminal offence is made out, the petitioners should be put on trial.

Having taken into account the background facts of the case, I am of the view that the present complaint is malicious in nature and hence an abuse of the process of the Court, which deserves to be set aside.

In the result, the proceeding including the order of cognizance dated 09.02.2012 passed by the Judicial Magistrate 1st Class, Nawada in Complaint Case No. 409 of 2011/2419 of 2012 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

Vats/-

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