

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6702 of 2013

Arising Out of PS.Case No. -245 Year- 2009 Thana -BHAGALPUR COMPLAINT CASE District- -

1. Pallavi Sonam D/O- Vasudev Prasad Chaudhary, W/O- Narendra Pratap Chaudhary R/O Mohalla - Hathsarganj, P.S. - Hajipur Town, Distt.- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. Narendra Pratap Chaudhary S/o Vinay Kumar Chaudhary, R/o Mohalla Balughat road, Sulganganj, P.S. Sultanganj, Distt. Bhagalpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. M.C. Gandhi, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Counsel, who was initially appearing on behalf of the Opposite Party No.2, submits that the Client has taken away the file and he has also given N.O.C. to him and hence the prayer is that his name be ignored.

The Petitioner seeks quashing of the order of cognizance dated 26.7.2012 passed by the Judicial Magistrate, 1st class, Bhagalpur in Complaint case No. C-245 of 2009.

The case of the Compplainant-Opposite Party No.2 is that he had married the Petitioner on 28.4.2008 but behind his back she went to his house and committed theft of the house hold articles while he was away.

It has been submitted that fact of the matter is that the Petitioner was tortured for ends of dowry on account of which she had filed a case against her in-laws vide Hajipur Town P.S. case No.150 of 2009 under Sections 498A I.P.C. against the Opposite Party No.2 and other family members on 24.3.2009. In the meanwhile very cunningly the Opposite Party No.2 filed the present case so as to create a defence.

Having considered the nature of allegations as also the relationship, I would be inclined to agree with the submission of the Petitioner. Hence, the application is allowed and the proceeding including the order of cognizance dated 26.7.2012 passed by the Judicial Magistrate, 1st class, Bhagalpur in Complaint case No. C-245 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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