

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31662 of 2013

Arising Out of PS.Case No. -3098 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Smt. Manorma Devi, wife of late Sidhnath Singh,
 2. Pankaj Kumar, son of late Sidhnath Singh, both resident of village- Kanchanpur P.O.- Amhara, P.S.- Bihta, Distt.- Patna- at present residing at :D Block Sector 8 Quarter No. 644, Raurkela, Orissa

.... Petitioner/s

Versus

1. State Of Bihar
2. Smt. Satyam, wife of Pankaj Kumar Singh, and daughter of Avinash Kumar, resident of village and P.O Khanpura P.S.- Paliganj, Distt- Patna, at present residing at Birla Colony P.S. Phulwari Sharif, Distt Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

1. The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 08.03.2013 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.3098 of 2012.

2. The case of the Complainant is that she was married to the Petitioner No.2 in the year 2007 but when he came to the matrimonial house she was tortured for ends of dowry.

3. Submission of the Petitioners is that Petitioner No.2 used to live with his widow mother at Rourkela, which was not appreciated by the Complainant which led to difference between the

spouses. Apprehending legal action, Petitioner No.1 filed an Informatory Petition before the Additional Chief Judicial Magistrate, Danapur, Patna, on 25.08.2011. On the same day, the Complainant sent legal notice that she be returned all her valuables. Later on, on the intervention of common well wishers, articles were returned and she was also paid a sum of ₹two lac fifty thousand which is on Affidavit. The Affidavit was to the effect that they would no longer have any relationship with each other. It is under these circumstances the Petitioners seek quashing.

4. On the last occasion, notice had been issued to the Opposite Party No.2, but no one appears despite service of summon.

5. Having accepted the documentary evidence of will of the Complainant subsequent to the filing of the Complaint Petition, I am inclined to allow the application.

6. Hence, entire proceeding including the order of cognizance dated 08.03.2013 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.3098 of 2012 is hereby set aside.

7. The application stands allowed.

(Anjana Prakash, J)

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