

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43396 of 2013

Arising Out of Complaint Case No.111 Year- 2013 District- PATNA

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1. Akhilesh Singh, Son Of Ram Jatan Singh
 2. Mukesh Singh, Son Of Ram Jatan Singh
 3. Kundan Singh @ Ravi Shankar Kumar
 4. Chandan Kumar @ Prakash Kumar
- Petitioners No. 3 and 4 are sons of Akilesh Singh, resident of village - Kobwa, P.S. - Wajirganj, District - Gaya.
5. Balindra Singh @ Balindra Kumar Singh, Son Of Ram Prit Singh Resident Of Village - Ajam, P.S. - Madanpur, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Singh Son Of Late Chandradeo Singh Resident Of Village - Kandap, P.S. - Gauri Chak, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Singh, Adv.

For the State : Mr. Pradip Nr. Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-10-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 11.4.2013 passed by the Judicial Magistrate, 1st Class, Patna City, in Complaint Case No. 111 of 2013.

The case of the Complainant is that the marriage of the son of the Complainant was solemnized with Nidhi but later it was learnt that Nidhi was completely blind and, subsequently, she filed Khajanchi Hat P.S. Case No. 441 of 2011 at Purnea, in which, after payment of Rs.4,10,000/-, bail was granted by way of compromise. Subsequently, charge sheet was submitted but the accused persons did not withdraw

their case.

On the date of occurrence, when the Complainant was returning having withdrawn certain amount of money, he was waylaid by the accused persons who assaulted him and took away his money.

It has been submitted on behalf of the Petitioners that fact of the matter is that Nidhi was married with the son of the Complainant but she was tortured for ends of dowry, in which circumstances, she filed Khajanchi Hat P.S. Case No. 441 of 2011. In this background the present Complaint Case appears to have been filed with trumped up charges by way of retaliation.

On the other hand, the counsel for the Complainant submits that now the matter has been compromised and, hence, the case instituted by Nidhi against him and his family be also set aside. This fact is disputed seriously by the Petitioner.

Having considered the circumstances in which the present Complaint was filed, I would be inclined to hold that the present Complaint is gross abuse of the process of the Court and deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 11.4.2013 passed by the Judicial Magistrate, 1st Class, Patna City, in Complaint Case No. 111 of 2013, is hereby set aside.

(Anjana Prakash, J)

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