

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39489 of 2014

Arising out of P.S. Case No. -1500 Year- 2013 Thana -
COMPLAINT CASE District- BANKA

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1. Bipin Mandal @ Bipin Kumar Son of Late Devi Mandal
2. Sushila Devi @ Sushila Kumari Wife of Bipin Mandal.
3. Amit Kumar Singh @ Amit Kumar S/o Bipin Mandal All are
resident of Village - Taridawil, P.S. - Jamui, District - Jamui.
..... Petitioner/s

Versus

1. The State of Bihar.
2. Sweta Devi, D/o Murari Prasad Singh, Resident of Kumrel, P.S.-
Belhar, District-Banka. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Subhash Chandra Mishra, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 11.08.2014 passed by the Sub-divisional Judicial Magistrate, Banka in Complaint Case No. 1500(C) of 2013.

The case of the Complainant is that she had married the Petitioner No. 3 in Banka in the year 2006 and was living happily. The marriage had taken place with consent. In two years, she had gone to her matrimonial home about 2-3 times but when she started entering the house the Accused No. 4 abused her and debarred from it because she had brought no dowry. She then told her husband about this but he also made

demands of dowry. The Complainant then declared that she was living in the house and they were to solve the problem. However, the in-laws kept repeating the demands and drove her from house.

It has been submitted on behalf of the Petitioners that the marriage had never taken place between the Petitioner No. 3 and Opposite Party 2. The mother had also stated before the Court that if she received Rs. 2,000,00/- from the Petitioner No. 3 she would withdraw the case. Evidently, it appears that the case has been filed only with a view to extract money.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Accepting the submission of the Petitioners on the basis of documents filed herein, the entire proceeding including the order of cognizance dated 11.08.2014 passed by the Sub-divisional Judicial Magistrate, Banka in Complaint Case No. 1500(C) of 2013 is, hereby, set aside.

The application stands allowed.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J.)

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