

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36385 of 2008

Arising Out of PS.Case No. -83 Year- 2007 Thana -null District- PATNA

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1. Arun Singh son of Rajbali Singh
 2. Urmila Devi wife of Arun Singh
 3. Beauty Kumari @ Jyotsana daughter of Arun Singh
 4. Tipu Singh @ Abhimanyu Singh son of Narbadeshwar singh @ Narwada Singh, all of village and P.S. Maranchi, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sail Kumari Devi wife of Sri Ram Parkash Rai, village Rajaura, P.S. Mufassil, District Begusarai
3. Bhawani Devi wife of Hari Pd. Singh, village and P.S. Maranchi, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmikant Sharma, Advocate

For the State : Smt. I.B. Pandey, APP

For private Opposite Parties : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-06-2015

No one appears on behalf of the private Opposite Parties on repeated calls.

The Petitioners seek quashing of the order of cognizance dated 4.8.2008 passed by the A.C.J.M., Barh in Maranchi P.S. case No.83 of 2007.

The case of the Informant is that her daughter Bhawani Devi was married to Hari Prasad Singh in the year 2006 and when she went to give Prasad to her son-in-law, the present Petitioners assaulted her and pulled her by hair lock.

The Petitioners submit that the daughter-in-law Bhawani

Devi, Opposite Party No.3, was still living with them and she had no complaint against anyone. Her statement was recorded under Section 164 Cr.P.C. wherein she stated the above fact.

It appears that evidently the Opposite Party No.2 instituted the present First Information Report on frivolous allegations. It is for this reason that the final report was submitted but on protest which was treated as a Complaint without holding further enquiry, the present case proceeded.

Having considered the statement of the alleged victim recorded under Section 164 Cr.P.C., which is unimpeachable in nature, the application is allowed and the order of cognizance dated 4.8.2008 passed by the A.C.J.M., Barh in Maranchi P.S. case No.83 of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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