

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 15400 of 2013

Arising Out of PS.Case No. -1470 Year- 2010 Thana -Bhojpur Complaint Case District- Bhojpur

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1. Vijay Kakkar @ Vijay Shankar Kakkar S/O Gauri Shankar Kakkar Resident Of Village Behiya Road, Piro, Police Station Piro, District Bhojpur.
 2. Sudha Kakkar W/O Vijay Kakkar Resident Of Village Behiya Road, Piro, Police Station Piro, District Bhojpur.
 3. Vivak Kakkar S/O Vijay Kakkar Resident Of Village Behiya Road, Piro, Police Station Piro, District Bhojpur.
 4. Deepty Kakkar D/O Vijay Kakkar Resident Of Village Behiya Road, Piro, Police Station Piro, District Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Rakhi Kakkar W/O Vikash Kakkar Resident Of Village Behiya Road, Piro, Police Station Piro, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madanjeet Kumar, Adv
For the State : Mr. R.B. Roy Raman, APP
For the Opposite Party/s : Mr. S.K.Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-09-2015

The petitioners who are in-laws seek quashing of the order of cognizance dated 20.12.2010 passed by the Sub-Divisional Judicial Magistrate, Bhojpur at Ara in Complaint Case No. 1470C of 2010.

The case of the complainant is that she was married with the co-accused Vikash Kakkar in 2001 where after she was living peacefully in the matrimonial home and a girl child was also born out of their wedlock. However, later on the accused persons started demanding money for running a hotel at Karnataka where the husband was running a hotel. Later the husband had taken the complainant to the Karnataka. One day the husband, without

information, went away from his residence then the complainant came back to her parental house where she learnt that her husband did not want to keep her then she filed divorce case where several attempts were made to compromise the matter but it could not be done.

It has been submitted on behalf of the petitioners that evidently it appears that there was matrimonial dispute was between the husband and wife for some reason and entire family members have been roped only to compel the husband to compromise the matter. The present complaint was filed after the husband had filed complaint case which indicates that the dispute was personal and only between the husband and wife.

On the other hand complainant submits that since the petitioners are the kingpin who had contributed in the deterioration of the relationship, they should be put on trial.

Having considered that the reason for deterioration of the relationship in marriage was because of some issue between the spouses and the thrust of the complaint petition is against the husband, I am inclined to accept the submission so raised on behalf of the petitioners. Hence the application is allowed and the order of cognizance dated 20.12.2010 passed by the Sub-Divisional Judicial Magistrate, Bhojpur at Ara in Complaint Case No. 1470C of 2010, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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