

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12542 of 2013

Arising Out of PS.Case No. -645 Year- 2011 Thana -BUXAR COMPLAINT CASE District- -

- =====
1. Navneet Kumar @ Navaneet Chandra son of Sheo Bhagwan Gupta
 2. Namita Chandra W/O Satish Chandra, both resident of Village - Agrawal Bhawan, Kajipur, Kadamkuan, Distt. - Patna

.... Petitioner/s

Versus

1. State Of Bihar
2. Satish Chandra son of Sri Umesh Chandra, resident of village Gajadharganj, Station road, Buxar, P.S. Town Buxar, District Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. Anuj Kr. Srivastava, APP
For Opposite Party No.2 : Mr. Manendra Kr. Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-11-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 10.5.2012 passed by the Chief Judicial Magistrate, Buxar in Complaint case No.645C of 2011.

The case of the Complainant is that on 28.6.2011 the Petitioner No.2, who was his wife, had lodged a Complaint case under Section 498A I.P.C. and assaulted him and took away the golden chain he was wearing.

It has been submitted on behalf of the Petitioners that while the Petitioner No.2 happens to be the wife of the Complainant,

Petitioner No.1 is her brother and evidently the present Complaint has been filed on account of earlier dispute between the husband and wife with imaginery charges.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had acted in the manner that they did, they should be put on trial.

Having considered the relationship between the parties and the earlier dispute, I am inclined to hold that the present Complaint is malicious and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 10.5.2012 passed by the Chief Judicial Magistrate, Buxar in Complaint case No.645C of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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