

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33528 of 2012

Arising Out of PS.Case No. -277 Year- 2010 Thana -null District- MADHUBANI

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1. Kamleshwari Prasad Yadav S/O Late Thakur Mandal Resident Of Village- Bhadol, P.S. And District- Madhepura At Present Ashonagar, Near Gaso, Bigha Temple, P.O.- A.P. Colony Gaya P.S. And District- Gaya
 2. Smt. Mamta Kumari Wife Of Sri Kamleshwari Prasad Yadav Resident Of Village- Bhadol, P.S. And District- Madhepura, At Present Ashok Nagar, Near Gaso Bigha Temple, P.O.- A.P. Colony, Gaya, P.S. And District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Satyabhama Devi W/O Kamleshwari Prasad Yadav Resident Of Village- Bhadol, P.S. + District- Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kr. Jha, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP
For Opposite Party No.2 : Mr. Durgesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 04-05-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No.1 is concerned.

Application as against the Petitioner No.1 is dismissed as withdrawn.

The Petitioner No.2, who happens to be the alleged second wife of Petitioner No.1, seeks quashing of the order of cognizance dated 26.11.2010 passed by the S.D.J.M., Madhepura in Complaint case No.277 of 2010.

The case of the Complainant is that she was married to the

Petitioner No.1 a long time back and her husband had remarried the Petitioner No.2. However after his retirement in 2008 he started ignoring her and ousted her from the matrimonial home.

It has been submitted on behalf of the Petitioner No.2 that even accepting the allegations in the Complaint Petition no offence whatsoever is made out against her.

Fact of the matter is that the Complainant was aggrieved with the attitude of her husband, hence has filed this present Complaint also impleading the Petitioner No.2 so as to exert pressure.

Having considered the aforesaid facts, the application is allowed so far as the Petitioner No.2 is concerned and the proceeding including the order of cognizance dated 26.11.2010 passed by the S.D.J.M., Madhepura in Complaint case No.277 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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