

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 37727 of 2012**

Arising out of P.S. Case No. -523 Year- 2011 Thana –  
Complaint Case District- GAYA

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Rajdeo Das S/o Ram Jatan Ravidas Resident of Village Gidha, P.S. Pratapur, District Chatra (Jharkhand) at Present R/o Village Diguria, P.S. Bankey Bazar, District Gaya..... .... Petitioner/s

Versus

1. The State of Bihar.
  2. Kiran Devi W/o Rajdeo Das D/o Rajendra Das Resident of Village Kamaini Tola, Simri, P.O. Margra, P.S. Dumaria, District Gaya. .... .... Opposite Party/s
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**Appearance :**

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Shardanand Jha, APP.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 18-05-2015**

No one appears on behalf of the Petitioner.

The Petitioner seeks quashing of the order of cognizance dated 22.11.2011 passed by the Judicial Magistrate, 1<sup>st</sup> Class cum Additional Munsif, Sherghati, Gaya in Complaint Case No. 523/2011/1614/11.

The case of the Complainant is that she was married to the Petitioner in the year 2006 on which occasion large number of gifts were given by her in-laws. However, they were not satisfied and did not take her to the matrimonial home. Later on they took her there where she was assaulted and taunted for inadequate dowry. They also ousted her from matrimonial home.

It appears that the Petitioner had filed Matrimonial Case No. 219 of 2010 before the Principal

Judge, Family Court, Gaya on the ground of desertion where he had submitted that his wife had stayed with him only for three days after which she had gone to her maternal home and never returned. It is thereafter that she filed the present Complaint for making out a defence in her favour to avoid a decree which would have gone against her.

On the last occasion notices had been issued to the Opposite Party No. 2 thereafter the matter was sent to the Mediator where none of the parties appeared.

Having considered the facts of the case, the entire proceeding as against all the accused persons including the order of cognizance dated 22.11.2011 passed by the Judicial Magistrate, 1<sup>st</sup> Class cum Additional Munsif, Sherghati, Gaya in Complaint Case No. 523/2011/1614/11 is, hereby, set aside.

The Application stands allowed.

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

**(Anjana Prakash, J.)**

Vikash/-

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