

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48268 of 2012

Arising out of P.S. Case No. -null Year- null Thana -null
District- -

- =====
1. Sanjeet Mahto S/o Manoranjan Mahto Resident of Village-
Pairgha, Police Station- Amarpur, District- Banka.
 2. Manoranjan Mahto S/o Late Kaleshwar Mahto Resident of
Village- Pairgha, Police Station- Amarpur, District- Banka.
- Petitioner/s

Versus

1. The State of Bihar.
2. Beena Devi W/o Sanjeet Mahto and D/o Damodar Mahto
Resident of Village- Pairgha, Police Station- Amarpur, District-
Banka, Presently Resides In Village- Nabtoliya, Police Station-
Amarpur, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the entire
proceeding including the order of cognizance dated
13.10.2011 passed by the Sub-divisional Judicial
Magistrate, Banka in Complaint Case No. C355 of 2011.

The background facts of the case is that the
Complainant instituted the present case against the
Petitioners and the family members for having tortured
her and contracted a second marriage.

I find that earlier the Complainant had filed
another Complaint on 24.04.2009 in which cognizance

was taken. Thereafter, the Petitioner No. 1 filed restitution of conjugal rights where the Complainant appeared and the matter was compromised whereafter she went to her matrimonial home on 04.02.2012. In such circumstances, evidently, the present Complaint which was instituted earlier does not appear to be sustainable.

Hence, the entire proceeding including the order of cognizance dated 13.10.2011 passed by the Sub-divisional Judicial Magistrate, Banka in Complaint Case No. C355 of 2011 is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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