

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18896 of 2015

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1. Om Prakash Yadav son of Shri Chandradeep Yadav resident of Village - Khuajan, under Rasulpur Police Station, District - Chapra at present residing at 210 2nd floor, Haribansh Market, Atta Sector - 27, Police Station - Sector - 20, Noida.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abha @ Ruchi wife of Om Prakash Yadav and daughter of Shree Narendra Prasad resident of Raghubansh Market, Jahuganj, under Chowk Police Station, Patna City.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Singh

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-05-2015 This application under section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 04.02.2015 passed in Maintenance Case No. 149(M) of 2011 by the learned Additional Principal Judge, Family Court, Patna whereby the learned Additional Principal Judge has rejected the petition dated 11.11.2014 filed on behalf of the petitioner for holding an enquiry under section 340 of the Code of Criminal Procedure in respect of an offence referred to in clause (b) of sub-section(1) of section 195 of the Code of Criminal Procedure.

In my considered opinion, the application is thoroughly misconceived. Any person on whose application any

court has refused to make a complaint in sub-section (1) or sub-section (2) of section 340 has a right to file an appeal to the court to which such former court is subordinate court within the meaning of sub-section (4) of section 195 of the Code of Criminal procedure.

In that view of the matter, the application filed under section 482 of the Code of Criminal Procedure is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

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