

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42090 of 2012

Arising Out of PS.Case No. -223 Year- 2009 Thana -null District- BHABHUA (KAIMUR)

1. Bahadur Singh Yadav @ Bahadur Yadav @ Bahadur Singh S/O Late Ram Bachan Singh Resident Of Village- Bhitari bandh, Police Station- Karamchat (Sawar), District- Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Malati Devi D/O Ram Kawal Yadav Resident At Village- Badwan, Post office- Adhaura, Police Station- Adhaura, District (Bhabhua)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2015

The Petitioner seeks quashing of the order of cognizance dated 29.6.2009 passed by the Sub Divisional Judicial Magistrate, Bhabua in Complaint case No.223 of 2009 corresponding to Trial No.1710 of 2009/ 1230 of 2010/ 817 of 2012.

The case of the Complainant is that she was married with the Petitioner about 20 years earlier, but later on the Petitioner developed illicit relationship with another lady and started living with her. The Petitioner started demanding dowry and refused to keep her.

It has been submitted on behalf of the Petitioner that fact of the matter is that there was no marriage between the Opposite Party No.2 and the Petitioner and he was legally married to another lady and

both of them are living together and have six children from the wedlock, who are all grown up. All documents are in favour of the said fact. The Petitioner filed Title Suit No.69 of 2010 before the Munsif, Bhabua for a declaration that the Complainant is not his wife but despite service of notice she has chosen not to appear before the court below. In the present application also despite repeated notices she has not appeared.

Having considered the aforesaid facts, the application is allowed and the proceeding including the order of cognizance dated 29.6.2009 passed by the Sub Divisional Judicial Magistrate, Bhabua in Complaint case No.223 of 2009 corresponding to Trial No.1710 of 2009/ 1230 of 2010/ 817 of 2012 is hereby set aside.

However, the quashment of the present proceeding shall have no bearing on any other proceeding.

(Anjana Prakash, J)

Narendra/-

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