

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28163 of 2013

Arising Out of PS.Case No. -1017 Year- 2010 Thana -COMPLAINT CASE District- BANKA

- =====
1. Ghanshyam Kumar Das @ Munna Kumar Das , son of Sildhar Das
 2. Bablu Das, son of Sildhar Das
 3. Sildhar Das, son of Late Banarsi Das
 4. Urmila Devi wife of Sildhar Das
- both are resident of village Vijaynagar (Harijan Tila) P.S. Banka District
Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi wife of Ghanshyam Das @ Munna Kumar Das, resident of
village Vijaynagar (Harizan Tola) P.S. Banka District Banka at
present daughter of Babulal Harizan resident of village Tilakpur P.S.
Rajoun District Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. J.Upadhyay(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 08-12-2016 Heard Sri Ajay Mukherjee, learned counsel for the

petitioners , Sri Jharkhandi Upadhyaya, learned Additional Public

Prosecutor as well as Sri Sanjay Kumar Ghosarvey, learned

counsel who has appeared on behalf of the opposite party no. 2 on

notice.

The present petition was filed under Section 482 of the

Code of Criminal Procedure 1973 with a prayer to quash an order

dated 25.3.2011 passed by learned Sub Divisional Judicial

Magistrate, Banka in Complaint Case No. C -1017 of 2010. By

the said order the learned Sub Divisional Judicial Magistrate ,

Banka has taken cognizance of offence under Section 498(A), 323



of the Indian Penal Code.

The present petition was filed on 8.7.2013. Thereafter for the first time on 22.7.2014 the matter was taken up and order was issued for issuance of notice to the opposite party no. 2 on the plea of learned counsel for the petitioners that petitioner no. 1 being husband of the opposite party no. 2 was ready to keep her as legally wedded wife. On notice the opposite party no. 2 has appeared through Sri Ghosarvey. At the very outset it was submitted by learned counsel for the complainant /opposite party no. 2 that before order of stay passed by this court sufficient development had taken place in the case. He submits that cognizance order was passed on 25.3.2011 and thereafter in the year 2013 itself in the month of March, 2013 charges were framed, evidence on behalf of the complainant was completed and thereafter, the case was fixed for defence evidence.

In view of submission made by learned counsel for the complainant /opposite party no. 2 that there is no possibility of settlement of dispute as well as the fact that in the case charges were framed, there is no reason to interfere with the matter.

The petition stands dismissed.

In view of dismissal of this petition interim order of stay dated 22.7.2014 stands vacated with observation that learned



court below may take appropriate steps for early disposal of the case.

(Rakesh Kumar, J)

Praful/-

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