

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31845 of 2013

Arising Out of PS.Case No. -44 Year- 2011 Thana -PATNA COMPLAINT CASE District- PATNA

=====

1. Sajjan Kumar Hisariya Son of Sri Banbari Lal Hisariya
2. Mrs. Neelam Hisariya Wife of Sajjan Kumar Hisariya
3. Nihar Hisariya @ Nihar Sajjan Son of Sajjan Kumar Hisariya
All resident of 503/4, Abhishek Plaza, Exhibition Road, P.S.-Gandhi Maidan,
Dist.-Patna.

.... Petitioners

Versus

1. State of Bihar
2. Smita Dutta, Wife of Rahul Ranjan, Resident of 503/4, Abhishek Plaza,
Exhibition Road, P.S. - Gandhi Maidan, Dist.-Patna at present C-304 Charminar
Apartment

.... Opposite Parties

=====

Appearance:

For the Petitioners : Mr. Vindhya Keshari Kumar, Sr. Advocate
For the O.P. No.2 : Mr. Angad Kunwar, Advocate
Mr. Rajni Kant Sinha, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-12-2016

Heard learned senior counsel for the petitioners, learned
counsel for the OP No. 2 and learned APP for the State.

2. The present petition has been filed for quashing the
complaint in Domestic Violence Case No. 44 of 2011, pending before
the Court of Sri A.K. Ram, learned Munsif II-cum-Judicial Magistrate Ist
Class, Patna.

3. The petitioners are the father-in-law, mother-in-law and
brother-in-law of the OP No. 2 respectively. The son of the petitioner
nos. 1 and 2 had solemnized love marriage with the OP No. 2 on



19.04.2009 at Chennai.

4. Mr. Vindhya Kesri Kumar, learned senior counsel appearing on behalf of the petitioners submits that the allegation against the petitioners is false and concocted and they have no concern with the day-to-day matters of the OP No. 2 or her husband.

5. Learned counsel for the OP No. 2 appears and has been heard. He relies on the counter affidavit to submit that the trial is in progress according to which, *inter alia*, one witness namely, Ajay Kumar has been examined on 23.02.2016.

6. Having regard to the nature of the allegations in the complaint, this Court is not inclined to interfere in the matter at this stage. The petition is accordingly dismissed, with the direction, having regard to the provisions of Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, that the trial shall be concluded expeditiously, preferably within a period of 60 days from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.12.2016
Transmission Date	09.12.2016

