

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42203 of 2014

Arising out of P.S. Case No. -13 Year- 2012 Thana -MAHILA
P.S. District- PATNA

- =====
1. Rajiv Kumar Son of Raghuni Ravidas
 2. Fula devi Wife of Raghuni Ravidas
 3. Raghuni Ravidas Son of Late Mathura Ravidas All residents of Village - Mahmadpur Balba, P.S.-Harnaut, P.O.-Sirsidihra, Dist.-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Usha Kumar Daughter of Late Dhiraj Das C/o Ranjeet Prasad Gupta, Gur - Ki - Mandi Allvakaspur, Patna-7, Circle No. 72 Holding No. 107 Ward No. 54, P.S. Patna City, Dist.-Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 22.03.2014 passed by the Additional Chief Judicial Magistrate, Patna City, Patna in Patna City Mahila P.S. Case No. 13 of 2012.

The case of the Informant is that on 16.08.2012 her husband, Rajesh Kumar along with Petitioner No. 1 and 2-3 unknown persons entered in her house and pointed a pistol on her as also threatened her of dire consequences. She was also assaulted by the Petitioner No. 1 and others and thereafter they committed theft of

some personal property. She alleged that she was a Nurse in P.M.C.H. as such she apprehended danger to her life.

Counsel for the Petitioners submits that the Petitioner No. 1 is the brother-in-law (Dewar) and Petitioners No. 2 and 3 are the parents-in-law of the Informant and they had no concern with the affairs of the husband and wife who had some issue when the marriage was performed in the year 1992 and since 20 years there has been some cause of friction or the other between them.

Counsel for the Informant submits that there is specific overt act alleged against the Petitioners they should be put on trial.

Having considered the background dispute and the absurd nature of allegations, the proceeding including the order of cognizance dated 22.03.2014 passed by the Additional Chief Judicial Magistrate, Patna City, Patna in Patna City Mahila P.S. Case No. 13 of 2012 is, hereby, set aside so far the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--