

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47716 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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1. Pawan Kumar Mishra Son Of Late Shri Panchanan Mishra Permanent Resident Of Village- Machhaita, P.S.- Sakatpur, District- Darbhanga, Bihar, And Presently Residing T Hosue No. 2, 1st Floor, 1st Main Road, 2nd A Cross, Ramaih Enclave, Hasarghatta Main Road, Bangalore- 560073
 2. Suman Kumar Mishra @ Suman Mishra Son Of Late Shri Panchanan Mishra Permanent Resident Of Village- Machhaita, P.S.- Sakatpur, District- Darbhanga, Bihar, And Presently Residing T Hosue No. 2, 1st Floor, 1st Main Road, 2nd A Cross, Ramaih Enclave, Hasarghatta Main Road, Bangalore- 560073
 3. Smt. Sudina Mishra Wife Of Suman Kumar Mishra Permanent Resident Of Village- Machhaita, P.S.- Sakatpur, District- Darbhanga, Bihar, And Presently Residing T Hosue No. 2, 1st Floor, 1st Main Road, 2nd A Cross, Ramaih Enclave, Hasarghatta Main Road, Bangalore- 560073
 4. Ms. Anupam Mishra Daughter Of Suman Kumar Mishra Permanent Resident Of Village- Machhaita, P.S.- Sakatpur, District- Darbhanga, Bihar, And Presently Residing T Hosue No. 2, 1st Floor, 1st Main Road, 2nd A Cross, Ramaih Enclave, Hasarghatta Main Road, Bangalore- 560073

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Soni Mishra Daughter Of Sri Narayan Kuwar, W/O Pawan Kuamr Mishra, Resident Of Village- Sinuar Gopal, P.S.- Bahadurpur, District- Darbhanga, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2016

No one appears on behalf of the Opposite Party no. 2.

Learned counsel for the petitioner is permitted to withdraw the application so far as the Petitioner no. 1 is concerned to raise all these points at the relevant stage.

The rest of the petitioners who are in-laws seek quashing of

the order dated 1.8.2013 passed by the S.D.J.M, Darbhanga in C.R. No. 358 of 2013 T.R. No. 3594 of 2013.

The case of the complainant is that she was married to the Petitioner no. 1 on 23.04.2003 where after she was living with her husband at Bangalore but she was ill-treated even after a child was born on 24.02.2004.

It has been submitted on behalf of the petitioners that in fact the matter is that there was some differences between the husband and wife which led to the husband filing an application for divorce at Bangalore bearing Divorce M.C. No. 913 of 2017. When notices were sent to the complainant she filed the instant complaint.

Be that as it may, considering the duration of marriage and the nature of allegation against the Petitioners and also their relationship with the complainant, the application is allowed and the order dated 1.8.2013 passed by the S.D.J.M, Darbhanga in C.R. No. 358 of 2013 T.R. No. 3594 of 2013 is hereby set aside so far as the petitioners are concerned.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.7.2016
Transmission Date	15.7.2016