

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50826 of 2014

Arising Out of PS.Case No. -962 Year- 2008 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Anmol Paswan S/o Jyoti Paswan
 2. Jyoti Paswan S/o Late Punni Paswan
 3. Renu Devi W/o Kapildeo Paswan
 4. Sunita Devi W/o Anmol Paswan
 5. Sita Devi W/o Jyoti Paswan All Resident of Village Nainpatti, Police Station Srinagar, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bhagya Devi wife of Baldeo Paswan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Adv.
For the State : Mr. C. Jawahar, APP
For the Informant : Mr. Amlika Bhagat, Adv

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 12-05-2016

The petitioners who are the in-laws seek quashing of the order of cognizance dated 01.04.2009 passed in Complaint Case No. 962C of 2008 by the Judicial Magistrate 1st Class, Madhepura.

The case of the complainant is that she was married with one Kapildeo Paswan and out of the wedlock two children were born. However, the husband remarried one Renu Devi and started torturing and assaulting her due to which she filed Misc. Case No. 20 of 1991 under Section 125 Cr.P.C for maintenance. She was then pressurized to compromise and also threatened for which she filed the Complaint

Case no. 800 of 2008. She narrated that on 10.11.2008 while she had gone to the western side of her house along with her daughter accused persons came there and started assaulting her.

It has been submitted on behalf of the petitioners that it is evident that the dispute was between the husband and wife and it is impossible to believe that the family members would have any role in their relationship even after birth of two children.

On the other hand the complainant submits that since the application for quashing the order of cognizance on behalf of the husband stood dismissed by this Court, the present application should also be dismissed.

Having considered the nature of allegation and the background fact and also the duration of the marriage, the application is allowed and the order of cognizance dated 01.04.2009 passed in Complaint Case No. 962C of 2008 by the Judicial Magistrate 1st Class, Madhepura, so far as the petitioners are concerned is hereby set aside.

(Anjana Prakash, J)

Prakash/-

AFR/NAFR	NAFR
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