

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46159 of 2013

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

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1. Praveen Bano D/O Late Md. Nizamuddin Resident Of Mohalla- Mogalpora, Gulshan Haidari, Police Station- Khazekalan, Patna City, District- Patna.
 2. Sabban Khatoon W/O Late Md. Nizamuddin Resident Of Mohalla- Mogalpora, Gulshan Haidari, Police Station- Khazekalan, Patna City, District- Patna.
 3. Md. Hamid S/O Late Md. Nizamuddin Resident Of Mohalla- Mogalpora, Gulshan Haidari, Police Station- Khazekalan, Patna City, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Ishtekhar S/O Late Sk. Yakub Resident Of Mohalla- Bajidpur, L.I.C. Road, Police Station + Post Office- Barh, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Mustaque Alam, Adv.
Mr. Ajay Kumar, Adv.
For the State : Mr. R.B. Roy Raman, APP
For the Opposite Party/s : Mr. Shambhu Saran Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-01-2016

The petitioners seek quashing of the order of cognizance dated 22.05.2009 passed by the Judicial Magistrate 1st Class, Patna City in Complaint Case No. 253C of 2009.

The Petitioner no. 1 is daughter-in-law of the complainant, Petitioner no. 2 is her mother and Petitioner no. 3 is her brother.

The allegation of the complainant is that on 19.03.2009 when he had gone for treatment of his wife the accused persons came and locked the room of his son Md. Imteyaz and took away the articles which was in that room without his permission.

It has been submitted on behalf of the petitioners that the Petitioner no. 1 had instituted a complaint bearing Complaint Case No. 253 C of 2009 against her husband and in-laws and in retaliation the present complaint has been filed.

On the other hand counsel for the complainant submits that he was ready for compromise but the petitioners are not ready.

Be that as it may, considering the facts of the case I would be inclined to hold that the continuance of the present proceeding would be gross abuse of the process of the Court. Hence the application is allowed and further proceedings including the order dated 22.05.2009 passed by the Judicial Magistrate 1st Class, Patna City, is hereby set aside.

(Anjana Prakash, J)

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