

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22261 of 2013

Arising Out of PS.Case No. -360 Year- 2012 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Sanjiv Kumar @ Sanjeev Kumar Das @ Deepu, S/o Late B. B. Das
2. Meenakshhee Kumari @ Juhi W/O Sanjeev Kumar @ Sanjeev Kumar Das @
Deepu
Both residents of Village- Gangjala, P.S.- Saharsa, District- Saharsa, at present R/o
A-504, Katyayani Apartment, Plot No. 08, Sector-6, Dwaraka, New Delhi
..... Petitioners

Versus

1. The State of Bihar
2. Minakshi, D/o Manoj Kumar Verma, resident of village-Sarohi, Ward No. 3,
Saharsa, P.S.-Saharsa, District-Saharsa, Bihar.

..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-03-2016

Heard Mr. Sameer Ranjan, learned counsel for the
petitioners and Mr. Anand Mohan, learned APP for the State.

2. Despite valid service of notice, the complainant-
opposite party no. 2 has neither appeared in person nor is being
represented through counsel.

3. The petitioners, who are brother-in-law and married
sister-in-law respectively of the complainant, seek quashing of the
entire proceeding including the order of cognizance dated



10.12.2012 passed by the learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 360(C) of 2012, whereby he has taken cognizance of the offences punishable under section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against 8 accused persons named in the complaint.

4. It has been submitted that as is apparent from the order dated 05.12.2014 passed in Cr. Misc. No. 28279 of 2013 that the spouses had appeared personally before a Bench of this Court in Chambers and come to a certain agreement whereby they had agreed to dissolve their marriage and to drop of the further proceedings in the complaint case. In the said case, learned counsel for the complainant had confirmed the fact of receipt of the entire amount agreed to be paid by the husband to the complainant.

5. It is further contended that even on merits of the case the impugned order of cognizance as against Abhishek Kumar Das, Sanjay Kumar Das @ Mantu and Lilli Kumari @ Shipra Das, who are younger brother, cousin brother and married sister-in-law respectively of the husband of the complainant, has already been quashed by a Bench of this Court vide order dated 16.09.2013 passed in Cr. Misc. No. 19796 of 2013. It is also contended that the aforesaid impugned order dated 10.12.2012 in respect of co-accused



Dineshwar Lal Das and Kumud Das, who happen to be father-in-law and mother-in-law respectively of the complainant, has also been quashed by a Bench of this Court, vide order dated 22.08.2014, passed in Cr. Misc. No. 1398 of 2014. The contention is that the petitioners are brother-in-law and married sister-in-law respectively of the complainant and in the complaint petition there is only general and omnibus allegation made against them. It has been contended that there case stands on identical footing to the aforesaid co-accused person in respect of whom the impugned order taking cognizance of the offences has already been quashed.

6. Learned counsel for the State concedes that the case of the petitioners stands on identical footing to that of the aforesaid co-accused Dineshwar Lal Das, Kumud Das, Abhisek Kumar Das, Sanjay Kumar Das @ Mantu and Lilli Kumari @ Shipra Das in respect of whom the impugned order taking cognizance has already been quashed by different orders passed by different Benches of this Court.

7. In view of the submissions recorded, hereinabove, the entire criminal proceedings including the order of cognizance dated 10.12.2012, passed by the learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 360(C) of 2012, so far as it relates to the present petitioners, is, hereby,

quashed.

8. The application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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