

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44998 of 2014

Arising Out of Complaint Case No. -836 Year- 2012 Thana -COMPLAINT CASE District-
LAKHISARAI

- =====
1. Jawahar Ram, son of Late Ram Lodhan Ram, Resident of Village- Bhadaur, P.S. Bhadaur, Distt- Patna. at present resident of Village- Khemtarni Asthan, P.S. Surajgarha, Distt- Lakhisarai
 2. Karma Devi @ Karmu Devi daughter of Saryug Ram, Resident of Village- Khemtarni Asthan, P.S. Surajgarha, Distt- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Shaili Devi, wife of Jawahar Ram, daughter of Saryug Ram, Resident of Village- Khemtarni Asthan, P.S. Surajgarha, Distt- Lakhisarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Adv.

For the State : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2016

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned which is allowed.

As for Petitioner No. 2 who happens to be the alleged second wife of the husband of the Opposite Party No. 2 seeks quashing of the order of cognizance dated 18.4.2013 passed in Complaint Case No. 836 of 2012 by the Sub Divisional Judicial Magistrate, Lakhisarai.

The case of the Complaint is that she was married to the

Petitioner No. 1 after which three children were born. Later her husband fell in love with her younger sister i.e. Petitioner No. 2 herein and kept her without marrying her and stopped maintenance.

It has been submitted that even conceding the facts stated in the Complaint petition, no offence whatsoever is made out against her.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the facts for the case, I would be inclined to hold that the prosecution of the Petitioner No. 2 is unwarranted and, hence, the application is allowed and the Proceeding including the order of cognizance dated 18.4.2013 passed in Complaint Case No. 836 of 2012 by the Sub Divisional Judicial Magistrate, Lakhisarai, is hereby, set aside.

(Anjana Prakash, J)

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