

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41891 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- EASTCHAMPARAN(MOTIHARI)

Sanjeeta Devi wife of Amit Kumar, D/o Rameshwar Prasad, resident of village Bishunpur, Hal, Bhopatpur, Police Station Kotwa, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar son of Braj Kishore Prasad, resident of village Turkaulia, Semars Tola, P.S. Turkaulia, District East Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Ranjan, Advocate

For the Opposite Party/s : Mr. Pradeep Nr. Kr., APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

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

The Petitioner, who is the wife of the Opposite Party No.2, seeks quashing of the order of cognizance dated 22.5.2010 passed by the court of Sri R.K. Tiwari, Judicial Magistrate, Motihari (East Champaran) in Trial No.3206 of 2010 arising out of Complaint case No. C-1218 of 2009.

The case of the Complainant is that he was married to the Petitioner on 28.5.2006 and was living happily but the Petitioner and other accused persons came and stole some money from the house.

It has been submitted that fact of the matter is that the Petitioner had filed Complaint case No. C-1222 of 2009 on 16.6.2009 against her in-laws for having ousted her from the matrimonial home

and in the meanwhile they filed the present Complaint in order to create a defence.

Having considered the nature of relationship as well as the allegations, which are frivolous, the application is allowed and the proceeding including the order of cognizance dated 22.5.2010 passed by the court of Sri R.K. Tiwari, Judicial Magistrate, Motihari (East Champaran) in Trial No.3206 of 2010 arising out of Complaint case No. C-1218 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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