

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 13283 of 2011

Arising out of P.S. Case No. -1269 Year- 2010 Thana -
Complaint District- BEGUSARAI

- =====
1. Sakat Kumar, Son of Jai Prakash Singh.
 2. Jai Prakash Singh, Son of Late Haribansh Pd. Singh, Resident of Village-Manjhaul, Police Station-Cheriya Bariyarpur, District-Begusarai.
- Petitioner/s
- Versus
1. The State of Bihar.
 2. Nitu Kumari daughter of Sri Ramudgar Singh, Resident of Tolaitwa (Near Balajit Asthan) Rahatpur, P.S.- Ballia, District-Begusarai.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-06-2016

The Petitioners seek quashing of the order dated 03.11.2010 passed by the Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 1269 of 2010.

The case of the Complainant is that she was married to Petitioner No. 1 on 23.03.2003 whereafter she went to her matrimonial home but she was driven out from there for ends of dowry on 20.05.2010 i.e. seven years.

It has been submitted on behalf of the Petitioners that in fact the family members of the Complainant had kidnapped the Petitioner No. 1 for which Petitioner No. 2 had instituted a case on 24.03.2003 and the charge-sheet was submitted in the said case which is evident from Annexure-3

and subsequently a Matrimonial Case No. 5 of 2004 was also filed in which a decree was passed annulling the marriage. In such circumstances, evidently the present case is nothing but an abuse of the process of the Court in the facts of the case.

On the last occasion, notices were issued to the Opposite Party No. 2 but none appears on her behalf despite service of notice.

Having considered the aforesaid, the entire proceeding as against all the accused persons including the order dated 03.11.2010 passed by the Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 1269 of 2010 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
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