

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24731 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

- =====
1. Nazmi Khatoon @ Naznin Khatoon wife of Md. Asgar, daughter of Md. Nasruddin Bakkho
 2. Md. Nasruddin @ Md. Nasruddin Bakkho, son of late Kadir Miyan
 3. Happa Khatoon wife of Md. Nasruddin Bakkho
 4. Md. Monazir Bakkho son of Md. Nasruddin
 5. Md. Pappu Bakkho son of Md. Nasruddin
 6. Md. Chhote Bakkho son of Md. Nasruddin
 7. Md. Chand son of late Nanhak Miyan, all resident of Noorsarai, Purani road, near the Block, P.S. Noorsarai, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Asgar son of Md. Ali Raj, resident of Diyawar, P.S. Karai Parsurai, District Nalanda, at present Abdulwari Bhawan, Pani Tanki, Ambedkar Colony, P.S. Sultanganj, District Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-01-2016

The Petitioners seek quashing of the order of cognizance dated 8.8.2008 passed by the court of Sri R.K.Rai, Judicial Magistrate, 1st class, Patna City in Complaint case No.41 of 2008.

The case of the Complainant, who is the husband of the Petitioner No.1 and relative of the rest of the Petitioners, is that he was married to the Petitioner No.1 on 23.5.2007, after which she started residing in the matrimonial home. However, some quarrel started between the parties, in course of which he was assaulted and deprived of his personal property.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Opposite Party No.2 had assaulted his wife, i.e. the Petitioner No.1, for which she filed Complaint case No.362C of 2008 on 11.4.2008. In order to create a defence the present Complaint was filed in the meanwhile on 11.1.2008 to preempt any action being taken by his wife.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 8.8.2008 passed by the court of Sri R.K.Rai, Judicial Magistrate, 1st class, Patna City in Complaint case No.41 of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--