

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9187 of 2011

Arising Out of PS.Case No.15 Year 2010 Thana Khajauli District- MADHEPURA

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1. Pappu Kumar Rai, s/o Mohan Rai
 2. Mohan Rai, s/o late Sudharshan Rai
 3. Sarmila Devi, w/o Mohan Rai
 4. Anita Kumari, daughter of Mohan Rai
- All resident of Mohalla- Bhigo, P.S. Laehriasarai, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi, daughter of Kanhaia Rai, r/o Mohalla - Bhigo, presently living at village- Rasidpur, P.S. Khajauli, District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Adv.
Mr. Nikhat Praveen, Adv.
For the State : Mr. B.P. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 16-05-2016

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.

The application against Petitioner No. 1 is permitted to be withdrawn to seek his other remedies in accordance with law.

The rest of the in-laws seek quashing of the order of cognizance dated 13.1.2011 passed by the Chief Judicial Magistrate, Madhubani, in G.R. No. 515 of 2010 corresponding to Khajauli P.S. Case No.15 of 2010.

The case of the Complainant is that she was married to Petitioner No. 1 on 7.5.2009, whereafter, she went to her matrimonial home. However, the accused persons used to cause mental harassment

to her.

The counsel for the Petitioners submits that fact of the matter is that there was some incompatibility issue between the husband and wife on account of which the Petitioner No. 1 filed Matrimonial case No. 132 of 2010 on 13.9.2010 for declaring the marriage null and void and in the meanwhile, the present First Information Report was instituted on 16.3.2010.

From the contents of the petition filed for divorce, it is easy to understand that there was some issue between the husband and wife wherein the Petitioners No. 2, 3 and 4 could possibly have no role to play.

In view of such, the application is allowed and the Proceeding including the order of cognizance dated 13.1.2011 passed by the Chief Judicial Magistrate, Madhubani, in G.R. No. 515 of 2010 corresponding to Khajauli P.S. Case No.15 of 2010, so far as the Petitioners No. 2 to 4 are concerned, is hereby set aside.

The Court below is directed to conclude the Trial positively within a period of four months from the date of receipt of this order in respect to the Petitioner No. 1 without giving any unnecessary adjournment to any Party.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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