

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40819 of 2014

Arising Out of PS.Case No. -1757 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Aditya Prakash, son of Sri Rajendra Prasad singh, resident of Near Vastu Ganga
Complex, Gola Road, Police Station- Rupuspur, District- Patna
2. Rajendra Prasad Singh, son of Late Alakhdeo Singh,
3. Smt. Basanti Devi, Wife of Rajendra Prasad Singh, both resident of Village-
Raghopur, Police Station- Jurawanpur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Dimpal Devi, wife of Aditya Prakash, daughter of Sri Triloki Singh,
resident of Near Vastu Ganga Complex, Gola Road, Police Station- Rupuspur,
District- Patna, at present residing at Village+Post- Panchma, Police Station- Piro,
District- Bhojpur (Arrah)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Veena Rani Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

The application is permitted to be withdrawn so far as
Petitioner No.1 is concerned to raise all these points at the appropriate
stage in connection with Complaint case No.1757C of 2012 pending
before the Sub Divisional Judicial Magistrate, Arrah.

It has been submitted that the Complainant is not appearing in
the court below and the Petitioner No.1 is being unnecessarily
harassed on account of her absence.

The court below is directed to take appropriate action in this
regard and proceed in accordance with law.

The rest of the Petitioners are the parents-in-law of the
Opposite Party No.2, who seek quashing of the order of cognizance

dated 30.7.2013 passed by the Sub Divisional Judicial Magistrate, Arrah in Complaint case No.1757C of 2012/Trial No.3759 of 2012.

The case of the Complainant is that she was married to the Petitioner No.1 Aditya Prakash on 10.6.2011, whereafter she came to her matrimonial home. However, she was not kept well and assaulted and finally ousted from the matrimonial home on 6.10.2011.

It has been submitted on behalf of the Petitioners that it is impossible to believe that relationship between the spouses would become so bad within four months, the Complainant would have to leave the matrimonial home. Moreover, it is much later that the present Complaint was filed with trumped up charges which are general and sweeping in nature.

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

Having considered the facts of the case, the application is allowed so far as the Petitioners No.2 and 3 are concerned and the proceeding including the order of cognizance dated 30.7.2013 passed by the Sub Divisional Judicial Magistrate, Arrah in Complaint case No.1757C of 2012/Trial No.3759 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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