

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6511 of 2014

Arising Out of PS.Case No. -138 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rasbihari Prasad Son Of Late Nainipat Rai
2. Anjit Rai @ Anajit Kumar Son Of Rasbihari Prasad All Resident Of
Village + P.O. - Kachchi Dargah, Police Station - Didarganj, District- Patna
- 803201.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Nirson Rai Son Of Late Babulal Rai Resident Of Village - Dedaura, Naya
Tola, Police Station -Bakhtiarpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekher Prasad, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-11-2016 Heard learned counsels for the parties.

The present application has been filed for quashing the
order dated 28.10.2013 passed by the learned Additional Chief
Judicial Magistrate, Barh, Patna in Complaint Case no. 138 (C)
/2013 whereby the processes were directed to be issued after
cognizance being taken for offences punishable under Sections
323 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioner No. 1 is the father of the daughter-in-law of the
complainant whereas the petitioner No. 2 is the son of petitioner
No. 1. The daughter of petitioner No. 1 was married to the son of

the complainant and the petitioners' side had filed a Complaint Case No. 137 of 2013 on 07.2.2013 against the complainant under Section 498 (A) of the Dowry Prohibition Act in which cognizance has been taken against the complainant. He submits that the present application has been filed as a retaliatory nature.

Having perused the materials on record I find that the allegations made in the Complaint Case do attract the ingredients of cognizable offence against the above named petitioners.

This application is, accordingly, dismissed.

(Nilu Agrawal, J)

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