

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1450 of 2012

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

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1. Sanjay Kumar S/O Prabhu Paswan Resident Of Village- Susta, P.S.- Sadar, Dist.- Muzaffarpur
 2. Rajeev Kumar S/O Prabhu Paswan Resident Of Village- Susta, P.S.- Sadar, Dist.- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Suman Devi w/o Ramesh Kumar, village + P.O. Kanhauli, P.S. Mahua, District Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. J.K. Singh, Advocate

For the Opposite Party/s : Dr. M.K. Gautam, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-02-2016

The Petitioners, who are the step brothers of the husband of the Complainant, seek quashing of the order of cognizance dated 28.3.2006 passed by the Sub Divisional Judicial Magistrate, (East), Muzaffarpur in connection with Complaint case No.2473 of 2005 (Trial No.859 of 2011).

The case of the Complainant is that she was married to Ramesh Kumar but some matrimonial dispute arose, on account of which she filed Complaint case No.1576 of 2002, in which a compromise was entered into, but subsequently the accused persons did not honour the terms of compromise. Hence the present

Complaint.

It has been submitted on behalf of the Petitioners that they are the step brothers of the husband of the Complainant and if at all there was a dispute between the husband and wife, they had no role to play nor in the compromise which was subsequently entered into between them.

Having considered the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 28.3.2006 passed by the Sub Divisional Judicial Magistrate, (East), Muzaffarpur in connection with Complaint case No.2473 of 2005 (Trial No.859 of 2011) is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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