

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9116 of 2009

Arising Out of PS.Case No. 23 Year 2008 Thana Nardiganj District- NAWADA

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1. Sunil Kumar Singh, son of Sri Janeshwar Singh
 2. Sushila Devi, wife of Sri Sunil Kumar Singh
 3. Prabhat Kumar, son of Sri Sunil Kumar Singh
 4. Archana Kumari @ Shampu Kumari, daughter of Sri Sunil Kumar Singh
 5. Rahul Singh @ Rahul Kumar @ Pintu Kumar, son of Sri Sunil Kumar Singh
- All residents of village Sadikpur, P.S. Nardiganj, Distt. Nalanda, presently residing at Rajendra Path, House No. 5, Mohalla Sri Krishnapuri (North), P.S. Sri Krishnapuri, Town and Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Renu Devi, daughter of Sri Achhata Singh, resident of village Sakara, P.S. Hisua, Distt. Nawadah.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 41044 of 2010

Arising Out of PS.Case No. 5 Year 2010 Thana Hisua District- NAWADA

- =====
1. Sunil Kumar Singh, son of late Janeshwar Singh
 2. Sushila Devi, wife of Sri Sunil Kumar Singh
 3. Prabhat Kumar, son of Sri Sunil Kumar Singh
- All residents of village Sadipur, P.S. Nardiganj, Distt. Nawada, presently residing at House No. 290, 'Asirbad' in Mohalla Patliputra Colony, in the town and Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi, daughter of Sri Achhata Singh, resident of village Sakara, P.S. Hisua, Distt. Nawadah.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 9116 of 2009)

For the Petitioner/s : Mr. Satya Nr. Verma, Adv.

For the Opposite Party/s : Mr.
Mr. Pankaj Kumar-1

(In Cr.Misc. No. 41044 of 2010)

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.
Mr. Prabhu Narayan Sharma, Adv.

For the Opposite Party No. 2 : Mr. Niraj Kr. Verma, Adv.
Mr. Pankaj Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 28-03-2016

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Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 19.8.2008 passed by the Chief Judicial Magistrate, Nawadah, in Nardiganj P.S. Case No. 23 of 2008, giving rise to G.R. No. 321 of 2008/2583 of 2008 and order dated 11.8.2010 passed by the Chief Judicial Magistrate, Nawadah, in Hisua P.S. Case No. 5 of 2010. Both the cases are pending between the same parties and arise out of the same transaction.

The background of the present litigation is that on 6.7.2000 the Petitioner No. 3 was kidnapped by the driver of the Petitioner No. 1. Petitioner No. 3 happens to be the son of Petitioner No. 1. Thus a case was instituted against the father of the Complainant who happened to be the driver of Petitioner No. 1. When this case was instituted, a search was made for recovery of Petitioner No. 3 and he was recovered from the house of the Complainant. His statement was recorded under Section 164 Cr. P.C. wherein he supported the case of his father and thereafter charge-sheet was submitted. The accused persons were put on Trial. While the Trial was on a compromise, was effected between the parties on 12.2.2007 on account of which they were acquitted. In the meanwhile, Petitioner

No. 3 filed Divorce petition on 21.7.2000 but the same was not pursued for the same reason. However, despite the compromise having been arrived at between the Parties, a fresh Complaint (Annexure-1) was instituted on 12.2.2007 by the Opposite Party No. 2 once again alleging that she was the legally wedded wife of Petitioner No. 3 and she had been tortured for ends of dowry and driven out from house. The same was sent for investigation under Section 156(3) Cr. P.C. and an FIR was instituted on 10.3.2008 and charge-sheet was submitted. In due course cognizance was taken.

The Petitioners then moved this Court by the present application in which notices were issued to the Opposite Party No. 2 by an order dated 11.5.2009 and further Proceedings were stayed.

On 19.1.2010 a petition was filed for recall of the order of stay but no orders were passed on the same. When the stay was refused, another Complaint was filed on 21.10.2010 for the same reason.

Having considered that it is evident from the facts stated above that the present Complaints are frivolous and not sustainable, the applications are allowed and the Proceedings including the orders dated 19.8.2008 passed by the Chief Judicial Magistrate, Nawadah, in Nardiganj P.S. Case No. 23 of 2008, giving rise to G.R. No. 321 of 2008/2583 of 2008 and order dated 11.8.2010 passed by the Chief

Judicial Magistrate, Nawadah, in Hisua P.S. Case No. 5 of 2010, are
hereby, set aside.

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(Anjana Prakash, J)