

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44244 of 2010

Arising Out of PS.Case No. -106 Year- 2009 Thana Sohsarai District- NALANDA
(BIHARSHARIFF)

- =====
1. Prabha Shankar @ Prabha Shankar Kumar, son of late Rameshwar Prasad, at present Mohalla Kamrudinganj, P.S. Laheri, Distt. Nalanda.
 2. Aarti Kumari, daughter of Chandrika Yadav, resident of Gosai Gawn, P.S. Ghoshwari, Distt. Patna.
 3. Tara Gope, son of late Kali Charan Yadav, resident of village Paijana, P.S. Ghoshwari, Distt. Patna.
 4. Chandrika yadav, son of late Shiv Balak Yadav, @ Bhothu Yadav, resident of village Gosai Gawn, P.S. Ghoshwari, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sobha Devi, daughter of Nawal Kishore Sinha, resident of Truanganj, P.S. Bhagan Bigha (Rahui), Distt. nalanda, at present resident of Kathal Tola, P.S. Sohsarai, Distt. Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
Mr. Binod Kr. Singh, Adv.

For the State : Mr. J. Upadhyay, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioners and the State.

No one appears on behalf of the Opposite Party No. 2.

The Petitioner No. 1 is granted permission to withdraw
his application to raise all the points at the relevant stage.

Application against Petitioner No. 1 is dismissed as
withdrawn.

The rest of the Petitioners seeks who are the in-laws of
the Opposite Party No. 2 seek quashing of the order of cognizance

dated 2.6.2010 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif in Sohsarai P.S. Case No. 106 of 2009, G.R. Case no. 2210 of 2009.

The case of the Informant is that she was married to the Petitioner No. 1 on 27.6.2007 whereafter she went to her Matrimonial Home but she was assaulted on account of which she was compelled to file Complaint Case 786C of 2007. Later, she learnt that the Petitioner No. 1 with the help of the rest of the Petitioners had performed second marriage and, therefore, the present First Information Report is instituted.

It has been submitted that fact of the matter is that the father of Petitioner No. 1 had instituted a case of kidnapping against the father of the Informant vide Laheri P.S. Case No. 107 of 2007. Since the family members did not accept the forcible marriage, she being aggrieved also instituted a Complaint as stated by her in the First Information Report. In such circumstances, the Proceedings of the present Prosecution which is a duplicity deserves to be set aside.

Having considered that admittedly this is a second Prosecution for more or less similar cause of action and all the allegations against the Petitioners No. 2, 3 and 4, are vague and rambling in nature, the Proceeding including the order of cognizance dated 2.6.2010 passed by the Chief Judicial Magistrate, Nalanda at

Bihar Sharif in Sohsarai P.S. Case No. 106 of 2009, G.R. Case no. 2210 of 2009, is hereby set aside as far as Petitioners No. 2 to 4 are concerned.

In the interest of justice, the Court below is directed to amalgamate the present case with Complaint Case No. 786C of 2007 which is pending between both the Parties so far as Petitioner No. 1 is concerned.

The application stands disposed off with such observations.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--