

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 3511 of 2011

Arising out of P.S. Case No. -759C Year- 2009 Thana –Complaint
Case District- PATNA

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1. Badhan Ram S/o Late Chhedi Ram Resident of- A-7, Beur Road, Shivpuri, Chitkohra, Police Station- Gardanibagh, District- Patna.
 2. Sita Devi W/o Badhan Ram Resident of- A-7, Beur Road, Shivpuri, Chitkohra, Police Station- Gardanibagh, District- Patna.
 3. Sheela Kumari D/o Badhan Ram Resident of- A-7, Beur Road, Shivpuri, Chitkohra, Police Station- Gardanibagh, District- Patna.
 4. Manoj Kumar S/o Badhan Ram Resident of- A-7, Beur Road, Shivpuri, Chitkohra, Police Station- Gardanibagh, District- Patna.
 5. Sanjay Kumar S/o Badhan Ram Resident of- A-7, Beur Road, Shivpuri, Chitkohra, Police Station- Gardanibagh, District- Patna.
 6. Baidyanath Rajak S/o Late Damodar Baitha Resident of Mohalla-Durga Asthan, Buddha Colony, I.T.I. Road, Police Station- Rajapur, District- Vaishali, at Present Posted as District Agriculture Officer, Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar.
2. Shailwala Devi W/o Late Neeraj Baitha Resident of Village- Chhata Chowk, Damodarchak Road, Police Station- Kajimohammadpur, District- Muzaffarpur. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Shankar Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-04-2016

The Petitioners seek quashing of the order of cognizance dated 30.07.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 759C of 2009.

The case of the Complainant who happens to be the mother-in-law of the Petitioner No. 3 is that the Petitioner No. 3, Sheela Kumari was married to his son Sanjeev Kumar Suman on 09.12.2004 but when she came to the matrimonial home she suffered from all kinds of mental ailment. She then lodged Gardanibagh P.S. Case No. 257 of 2006 against her husband under Section 498A IPC in which anticipatory bail was granted on point of compromise. However, thereafter the Petitioner No. 3 cheated her and started to threaten and abused the family members on account of which the present Complaint has been instituted.

It has been submitted on behalf of the Petitioners that evidently it is in retaliation to the case instituted by the Petitioner No. 3 under Section 498A IPC that the present Complaint was filed with trumped up charges.

On the other hand, the Complainant submits that the Petitioners had meted out all kinds of atrocities collectively through her daughter-in-law, Petitioner No. 3, therefore, her complaint should not be quashed.

Having gone through the background facts, I am inclined to hold that the present Complaint is baseless and an abuse of the process of the Court. Hence, the proceeding including the order of cognizance dated 30.07.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 759C of 2009 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	X
Uploading Date	03.05.2016
Transmission Date	03.05.2016