

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21305 of 2014

Arising out of P.S. Case No. -150 Year- 2006 Thana -GAYA
KOTWALI District- GAYA

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1. Neeraj Kumar Son of Late Nand Kishore Prasad 115 Rajdhani Palace, Sheopuri, P.S- Shastrinagar, district- Patna.
 2. Hemlata Jaiswal @ Hemlate Wife of Biplav Kumar @ Biplav Kumar Jaiswal resident of Flat No. 107, Rajdhani Palace, C.P. Thakur Lane, Sheopuri, P.S- Shastrinagar, District- Patna.
 3. Pushp Lata Jaiswal @ Pushplata Daughter of Late K.P. Bhagat resident of Flat No. 107, Rajdhani Palace, C.P. Thakur Lane, Sheopuri, P.S- Shastrinagar, District- Patna.
 4. Snehlata Jaiswal @ Snehlata Wife of Abhishek Kumar Resident of Flat no. 107, Rajdhani Palace, C.P. Thakur Lane, Sheopuri, P.S- Shastrinagar, District- Patna. Petitioner/s

Versus

1. The State of Bihar
 2. Gopal Krishan Prasad (Advocate) Son of Late Jagannath Prasad resident of Village/ Mohalla Dhamitola, P.S- Kotwali, District- Gaya.
 3. Smt. Prabha Kumari, D/o Gopal Krishna Prasad. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Amt Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-04-2016

No one appears on behalf of the Opposite Party No.

2.

The Petitioners who are in-laws of the sister of the Opposite Party No. 3 seek quashing of the order of non-discharge dated 14.02.2014 passed by the Sub-divisional Judicial Magistrate, Gaya in G.R. No. 1543 of 2006 (Tr. No. 461 of 2014).

The case of the Complainant is that his sister was married to Manoj Kumar on 20.04.1999 whereafter they started living happy with each other and out of wedlock a

child was also born. However, the present accused persons always instigated her husband to somehow torture her and then made her sign on some documents as also assaulted her with fists and slaps.

It has been submitted on behalf of the Petitioners that fact is that the husband had filed a Matrimonial Case No. 6523 of 2006 on 01.04.2006 and thereafter present Complaint was filed on 05.05.2006 with a view to create a defence. In any view of the matter, since the Petitioners are family members who had no concern with the immediate affairs of the husband and wife who were having difficulties in marriage, they should be exonerated.

Having considered the relation-ship of the Petitioners with the Opposite Party No. 3 and the duration of marriage, the proceeding including the order of non-discharge dated 14.02.2014 passed by the Sub-divisional Judicial Magistrate, Gaya in G.R. No. 1543 of 2006 (Tr. No. 461 of 2014) is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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