

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36243 of 2013

Arising Out of PS.Case No. -329 Year- 2009 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Allahuddin S/O Samsuddin.
 2. Jubeda Khatoon W/O Samsuddin.
 3. Sallahuddin @ Mano Mian S/O Samsuddin
- All residents of Village Baksoti, P.S. Govindpur, District Nawada.

.... Petitioners

Versus

1. The State of Bihar
2. Taslima Khatoon W/O Allahuddin resident of Village Baksoti, P.S. Govindpur, District Nawada, at present residing at Pakribarawan, Mohalla Guljarbag, P.S. Pakribarawan, District Nawadah.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Opposite Party/s : Mr. Nityanand Tiwary (App)
Mr. S.K.Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 16-05-2016 Heard Sri Durgesh Nandan, learned counsel for petitioners, Sri Nityanand Tiwary, learned Addl. Public Prosecutor as well as Sri Sheo Kumar Prasad, learned counsel, who has appeared on behalf of complainant/opposite party no. 2.

Three petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Cr.P.C., with a prayer to quash an order dated 17-05-2013 passed by learned Addl. Sessions Judge (Adhoc) - III, Nawada in Criminal Revision No. 89 of 2012/17 of 2012. By the said order, learned Addl. Sessions Judge has rejected the revision preferred by petitioners

against the order of rejection of discharge petition dated 08-08-2012 passed by learned Sub-Divisional Judicial Magistrate, Nawada.

Learned counsel for petitioners submits that just before filing of the complaint case, petitioner no. 1, who was husband of the complainant/opposite party no. 2, had divorced the complainant and as such, no case under Section 498(A) of the I.P.C. is made out.

Moreover, the order of rejection of discharge petition was already approved by the revisional court and as such, normally, this Court is not entertaining a petition filed in the garb of Section 482 of Cr.P.C., which is termed as 'Second Revision', which is barred under Section 397(3) of Cr.P.C.

The petition stands dismissed.

(Rakesh Kumar, J.)

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