

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28856 of 2014

Arising Out of PS.Case No. -2562 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Nagendra Rai @ Nagendra Prasad Rai, son of late Munshi Rai,
 2. Maha Devi, wife of late Munshi Rai, both resident of village - Nizamchak, P.S. - Dighwara, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari, D/o- Ramshankar Rai, residing at village - Chousiya, P.S. - Sonapur, District - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Opposite Party/s : Dr. Indivar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6/ 23-06-2016

Heard the parties.

Despite the undertaking before this Court, the Petitioner No.1, Nagendra Rai @ Nagendra Prasad Rai, has not taken any steps for settling the dispute nor he is regularly paying the amount as directed by this Court.

In view of such, the application is dismissed in so far as Petitioner No.1, Nagendra Rai @ Nagendra Prasad Rai, is concerned.

The Petitioner No.2, Maha Devi, who is the mother-in-law of the Opposite Party No.2, seeks quashing of the order of cognizance dated 30.04.2012 passed by the Sub-Divisional Judicial Magistrate, Chapra, in Enquiry Case No.203 of

2012/Complaint Case No.2562 of 2011.

The case of the Complainant is that she was married to the Petitioner No.1 on 26.02.2011 after which she went to the matrimonial home but he was not treated well and ultimately, ousted from the matrimonial home and hence, the present Complaint.

It has been submitted that, in fact, the Complainant was medically unwell due to which the husband filed Matrimonial Suit No.103 of 2011 on 11.04.2011 for annulment of the marriage. In the meanwhile, she filed the present complaint after few months evidently with a view to counter the case filed by the husband of the Opposite Party No.2.

Be that as it may, the order of cognizance dated 30.04.2012 passed by the Sub-Divisional Judicial Magistrate, Chapra, in Enquiry Case No.203 of 2012/Complaint Case No.2562 of 2011, is hereby set aside in so far as Petitioner No.2 is concerned.

The application is allowed in part.

(Anjana Prakash, J)

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