

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16165 of 2014

Arising Out of PS.Case No. -38 Year- 2010 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Madhuri Singh @ Madhuri Devi Wife Of Ashok Kumar Singh Resident Of
Village - Horil Chapra, P.S.- Malahi, District - East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ram Vinod Kumar Son Of Baidyanath Sharma Resident Of Mohalla - Rampur,
P.S.- Bahadurpur, District - Patna At Present Residing In The House Of Sri Hari
Bansh Narain Singh At Mohalla Rajendra Nagar, (Bhawani Pur Jirat) Motihari
Town, P.S.- Chatauni, District - East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2016

The Petitioner seeks quashing of the order of cognizance
dated 20.12.2013 passed by the Chief Judicial Magistrate, East
Champaran, Motihari in Chhatauni P.S. case No.38 of 2010.

The case of the Informant is that he was a petty
contractor and working in partnership with one M/s Ashok Madhuri
construction private limited. According to the agreement he was to be
paid 50% of the share of profits but he did not receive the same
despite repeated entreaties.

It has been submitted that the Petitioner is the wife of
Ashok Kumar Singh, who was the person, who was running the firm

and there is no specific averment against the Petitioner of having ever transacted with the Informant in any manner. It appears that the grievance of the Informant is merely in regard to reconciliation of accounts.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Considering that the Petitioner is a lady and there is specific complicity as per the First Information Report, the application is allowed and the proceeding including the order of cognizance dated 20.12.2013 passed by the Chief Judicial Magistrate, East Champaran, Motihari in Chhatauni P.S. case No.38 of 2010 is hereby set aside as against the Petitioner.

Let the case diary be remitted to the Court below immediately.

(Anjana Prakash, J)

Narendra/-

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