

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39808 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUNGER

Kanhaiy Yadav @ Kanhaiya Yadav son of Ragho Yadav, resident of village Lal
Karbaja, P.S. Kotwali Munger, District Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Nutan Kumari wife of Kanhaiy Yadav, resident of village Lalbajar, P.S.
Kotwali, District Munger, at present resident of Nutan Kumari, D/o Chandrika
Yadav, village Mahuli, P.S. Mufasil, Dist. Munger

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. M.K. Khare, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

No one appears on behalf of the Opposite Party No.2.

The Petitioner, who is the husband of the Opposite Party
No.2, seeks quashing of the order of cognizance dated 24.11.2009
passed by the S.D.J.M., Munger in Kotwali P.S. case No.376 of 2009.

The case of the Informant is that she was married to the
Petitioner in the year 2003 and she was kept well for the next two
years but thereafter she was tortured for ends of dowry and finally
ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner that in
fact the parties had never lived together and a Complaint had been
instituted by the Petitioner on 10.2.2009 against the father of the
Informant for having threatened him on pistol point and it is only

thereafter that the present case was instituted on 5.9.2009.

Having considered the facts stated in Annexure-2, I would also be inclined to hold that the present case instituted thereafter prosecution is bad and hence the application is allowed and the proceeding including the order of cognizance dated 24.11.2009 passed by the S.D.J.M., Munger in Kotwali P.S. case No.376 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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