

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28565 of 2014

Arising out of P.S. Case No. -263 Year- 2012 Thana -
GANDHIMAIDAN District- PATNA

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1. Ajit Kumar Sinha Son of Late Rameshwar Prasad Sinha.
 2. Smt. Asha Sinha Wife of Sri Ajit Kumar Sinha Both Resident of Vivekanand Path, House No. 125 North Sri Krishnapuri, P.S.-Sri Krishnapuri, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Animika Wife of Sunil Kumar Resident of House No. 36 Road No.10 Indrapuri, P.S.-Patliputra, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Adv.

For the Opposite Party/s: Mr. Awadhesh Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

The Petitioners seek quashing of the order of cognizance dated 09.05.2014 passed by the Judicial Magistrate, 1st Class, Patna in Gandhimaidan P.S. Case No. 263 of 2012 arising out of Complaint Case No. 1535(C) of 2012.

The case of the Informant is that she was married to the brother of the Petitioner No. 1 and there was some matrimonial dispute between them. In maintenance proceeding in conspiracy with the present Petitioners a forged residence certificate and income receipt was given by the accused persons and, hence, the present Complaint.

It has been submitted that from the facts of the

First Information Report it is apparent that there was matrimonial dispute between the spouses and in this background she has generally alleged that the Petitioners were also in conspiracy with the husband whereas there is no specific allegation against them.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice none appears on her behalf.

Having considered the vague nature of allegations and that the Petitioners cannot be put trial on vicarious liability, the proceeding including the order of cognizance dated 09.05.2014 passed by the Judicial Magistrate, 1st Class, Patna in Gandhimaidan P.S. Case No. 263 of 2012 arising out of Complaint Case No. 1535(C) of 2012 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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