

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2656 of 2011

Arising out of Complaint Case No.C-785 Year 2010 District- SITAMARHI

Kailash Prasad Verma, son of late Durga Pd. Verma, resident of Mohalla Purani Bazar, Mukul Road, Near Satyanarayan Mandir, P.S. Town and Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
 2. Archana Kumari, wife of Kailash Verma, daughter of Radha Krishna Prasad, resident of Mohalla Sitamarhi, Jankisthan, Ward No. 7, P.S. & Distt. Sitamrhi.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Pd. Karn, Adv.
Mr. Chandrashekhar Anand, Adv.
For the State : Mr. Gapesh Kumar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-04-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 7.10.2010 passed by the Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in Complaint Case No. C-785 of 2010.

The case of the Complainant is that when she came to her matrimonial home, she was tortured for ends of dowry and just after three months, she was ousted from her matrimonial home.

It has been submitted that the Petitioner has earlier filed Complaint Case No. 1070 of 2010 before the Chief Judicial Magistrate, Muzaffarpur on 26.4.2010 and in retaliation, the present Complaint was filed on 3.6.2010. Further submission is that the Complainant has remarried and is not interested in pursuing the

present case which is evident from the fact and in spite of notice, she has not chosen to appear.

Considering the duration of marriage and that fact of Petitioner filing a Complaint case earlier, the application is allowed and the Proceeding including the order dated 7.10.2010 passed by the Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in Complaint Case No. C-785 of 2010, is hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	