

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1657 of 2015

Arising Out of PS.Case No. -1251 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Pawan Tulsyan son of Late Sambhu Karan Das Tulsyan
2. Kiran Devi Tulsyan @ Kiran Tulsyan wife of Pawan Tulsyan
Both are residents of Mohalla- Rehra Bazar, P.S - Uska Bazar,
District - Sidharth Nagar (Uttar Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar
2. Chama Tulsyan wife of Neeraj Tulsyan daughter of Sri Ram Sundar
Tikmani, resident of Mohalla- Brahman Tola, Kedarnath Road, P.S- Nagar,
District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. C.Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

5 18-03-2016 In the instant application preferred under section 482 of

the Code of Criminal Procedure, the petitioners seek quashing of

the order dated 10.7.2014 passed by the learned Chief Judicial

Magistrate, Muzaffarpur in connection with Complaint Case

No.1251 of 2014 dated 20.5.2014 corresponding to Tr. No.1719 of

2014 whereby and whereunder finding a prima facie case to be

made out under sections 323, 406, 498A and 504 of the Indian

Penal Code, the petitioners were summoned to face trial.

By order dated 8.2.2016 passed by this court two weeks'

time was allowed to the petitioners to take steps for fresh service

of notice upon opposite party no.2 both by registered cover with A/D as well as ordinary process failing which the application was directed to be rejected as against opposite party no.2 without further reference to a Bench.

The Registry has reported that due to non-compliance with the aforesaid order dated 8.2.2016, the case stood rejected as against opposite party no.2.

As the case arises out of a complaint, the complainant is a necessary party and in absence of the complainant the present lis cannot proceed.

In that view of the matter, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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