

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23977 of 2010

Arising Out of Complaint Case No. 616 Year- 2009 District- NALANDA (BIHARSHARIFF)

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Dr.Uttam Kumar Jawahar, son of late B.P. Jawahar, resident of Mohalla Pulpar,
Biharsharif, P.S. Bihar, Distt. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manjeet Kumar Mahiya @ Gaurav Kumar, son of Sri Raj Kishor Mahiya,
resident of Mohalla Garhpar, P.S. Nawada, Distt. Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pathak, Adv.

Mr. Satish Kumar, Adv.

For the State : Mr. Jitendra Kumar Singh-I, A.P.P.

For the Opposite Party No. 2 : Mr. Jay Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-01-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 9.3.2010 passed by the Sub Divisional Judicial
Magistrate, Nalanda, Bihar Sharif, in Complaint Case No. 616(c) of
2009.

The case of the Complainant is that he had fallen in
love with the daughter of the Petitioner and had married her in a
temple. However, she returned home and stayed in the maternal home
for about eight months. They used to correspond with each other
regularly and at one point in time, he wanted to take her to the
matrimonial home but, he did not find her in her parent's house.

When he went to enquire about her on 31.5.2009, the accused persons threatened him of dire consequences and pushed him out of the house.

It has been submitted on behalf of the Petitioner that fact of the matter is that Sweta Kumari had instituted a Complaint Case 1426C of 2009 on the ground that he had fooled her into executing some documents which shows that they were husband and wife. As a counter blast the present Complaint has been filed.

Having gone through the facts of the case, the Proceeding including the order of cognizance dated 9.3.2010 passed by the Sub Divisional Judicial Magistrate, Nalanda, Bihar Sharif, in Complaint Case No. 616(c) of 2009, is hereby, set aside. Also in the interest of the Parties, further Proceedings of Complaint Case No. 1426C of 2010 pending before the Chief Judicial Magistrate, Patna, is hereby, dropped.

The application stands disposed off on the aforesaid terms.

(Anjana Prakash, J)

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