

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34400 of 2014

Arising Out of Complaint Case No. -1614 Year- 2012 District- GAYA

- =====
1. Mathura Yadav, son of Ram Das Yadav.
 2. Pappu Yadav, son of Mathura Yadav
 3. Jhalak Devi @ Jhanak Devi, wife of Mahtura Yadav
 4. Mohan Yadav, son of Mathura Yadav
 5. Puja Kumari, wife of Suman Yadav @ Sohan Kumar
- All resident of village Goh Tole, Bhawanipur, P.S. Goh, Distt. Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. Phul Kumari Devi, wife of Suman Yadav, permanent resident of village bhawanipur, P.S. Goh, Distt. Aurangabad (Bihar), presently residing of village Dabur, P.S. Konch, Distt. Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr. Singh No. 6, Adv.

For the State : Mr. Abhay Kr. Roy, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 12.3.2014 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. 1614 of 2012/Tr. No. 1954 of 2014.

The case of the Complainant is that she was married to Suman Yadav some 20 years ago who always tortured her and ousted her from the matrimonial home.

It has been submitted that it is impossible to believe

that a person who was married about 20 years back, will be tortured for any reason whatsoever. Evidently, there was some dispute between husband and wife which was led to institution of present Complaint in which the Petitioners have no role to play.

In view of the aforesaid, the application is allowed and the Proceeding including the order of cognizance dated 12.3.2014 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. 1614 of 2012/Tr. No. 1954 of 2014, is hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

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