

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36428 of 2014

Arising Out of Complaint Case No.79C Year- 2013 District- PATNA

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1. Raghunath Sharma, son of late Mathura Singh
2. Sudha Devi, wife of Raghunath Sharma
Both are residents of village Babhandiha, P.O. Keshopur, P.S. Hilsa, Distt. Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu @ Kuni Devi, wife of Shashi Ranjan Sharma @ Shashi Ranjan Kumar, presently residing at village Udaypura, P.S. Naubatpur, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party : Mr. Sunil Prasad Singh, Adv.

For the State : Mr. Ansuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the Petitioner and the State.

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 20.4.2013 passed by the Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 79C of 2013.

The case of the Complainant is that she was married to Shashi Ranjan in the year 2001 whereafter she came to her matrimonial home but she was repeatedly assaulted and threatened and, thereafter, ousted from the matrimonial home.

It has been submitted that the fact of the matter is that the Complainant stayed merely for a month in the matrimonial home

and, thereafter, started staying in her maternal home and despite several notices, she never came to live with her husband and in spite she filed the present Complaint.

On the last occasion, notices had been issued to the Opposite Party No. 2 and attempt was made for settlement but she never appeared before the Mediation and Conciliation Centre.

Considering the vague nature of allegation against the Petitioners, the application is allowed and the Proceeding including the order of cognizance dated 20.4.2013 passed by the Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 79C of 2013, is hereby, set aside.

(Anjana Prakash, J)

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