

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44979 of 2010

Arising Out of Complaint Case No. 2128 Year 2009 District- BHAGALPUR

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1. Shankar Ravidas, son of late Bhola Mochi
2. Sumitra Devi, wife of Sri Shankar Ravidas
Both resident of village Sahebganj Ramtuliya, P.S. Nath Nagar, Distt. Bhagalpur.
.... Petitioner/s

Versus

1. The State of Bihar
2. Anashta Devi, wife of late Jagdish Sah, resident of village Sahebganj
Ramtuliya, P.S. Nath Nagar, Distt. Bhagalpur.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.
For the State : Mr. K. Krishna, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 19.7.2010 passed by the Sub Divisional Judicial Magistrate, Bhagalpur, in Complaint Case No. 2128 of 2009.

The case of the Complainant is that after she became a widow, the accused persons assaulted her and also ousted her from the home.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioners had never mistreated the Complainant who was putting unreasonable demands upon them ever since death of her husband. It is for this reason that the present Complaint has been filed maliciously.

Having considered the frivolous nature of allegation and relationship between the Parties, the application is allowed and the Proceeding including the order of cognizance dated 19.7.2010 passed by the Sub Divisional Judicial Magistrate, Bhagalpur, in Complaint Case No. 2128 of 2009, is hereby set aside.

S.Ali/-

(Anjana Prakash, J)

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