

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38398 of 2015

In

Criminal Miscellaneous No.12328 of 2013

- =====
1. Pramod Kumar, son of late Moti Lal Ram
 2. Chaudhur Ram, son of late Tapi Ram
 3. Kishori Devi, W/o late Moti Lal Ram
- All are residents of Mohalla Chandmari, Police Station- Town Motihari, District East- Champaran.
4. Abha Devi, W/o Sri Sanjay Kumar, resident of Village Karmawa, Police Station- Sugauli, Dist East Champaran, at present at Patraha, Police Station and District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Anageeta, Daughter of Sri Gulzar Ram resident of Mohalla Bhagwanpur N.H. 28, Police Station -Sadar Muzaffarpur, District Muzaffarpur..

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party no.1 : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-01-2016

Heard the parties.

The present application has been filed on behalf of the petitioners for restoration of Cr.Misc.No.12328 of 2013, which stood dismissed for want of prosecution by an order dated 30.07.2015.

The aforesaid Cr.Misc.No. 12328 of 2013 was filed for quashing the order dated 22.05.2012 passed by the learned S.D.J.M.(East), Muzaffarpur in Complaint Case No.280/12 by which cognizance was taken for the offences under Sections 323, 498A/34 of the Indian Penal Code as also under Section 4 of the Dowry Prohibition Act and summons were issued against the accused persons.

After the aforesaid order dated 22.05.2012, more than three and half years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record, rather when the matter was dismissed on 30.07.2015 the learned counsel appearing on behalf of the opposite party no.2 had submitted that the trial of the petitioners is in progress.

In above view of the matter, instead of restoring aforesaid Cr.Misc.No.12328 of 2013, this Court is of the opinion that interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh quashing petition in the same subject matter, after bringing on record all the subsequent developments, which might have taken place in the court below during the interregnum period. It is ordered accordingly

If such petition is filed on behalf of the petitioners and if the cause of action is still surviving, then the same shall be considered and decided on its own merits without being prejudiced by the dismissal of aforesaid Cr.Misc.No.12328 of 2013.

The present application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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