

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4249 of 2014

Arising Out of PS.Case No. -2870 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ram Swarup Mandal S/O Late Kailash Mandal Residence Of Mohalla- Chanderi, Police Station- Sabaur, District- Bhagalpur.
 2. Ram Rati Devi W/O Sri Ram Swarup Mandal Residence Of Mohalla- Chanderi, Police Station- Sabaur, District- Bhagalpur.
 3. Ramjee Mandal S/O Sri Ram Swarup Mandal Resident Of Mohalla B-1, Shivpuri, Beur Road, Police Station- Gardanibagh, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sanju Devi W/O Sri Jitendra Kumar Mandal Resident Of Mohalla B-1, Shivpuri, Beur Road, Police Station- Gardanibagh, Distt- Patna, At Present Residing Village- Tariyani Chhapra, Police Station- Tariyani, Distt- Shivhar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

The petitioners who are in-laws of the Opposite Party no. 2 seek quashing of the order dated 14.10.2011 passed by the Sub-Divisional Judicial Magistrate, Patna in Complaint Case No. 2870C of 2010.

The case of the complainant is that she was married with one Jitendra Kumar Mandal on 25.09.2010 where after she went to matrimonial home and stayed there for six months. Thereafter, she returned to the maternal home where she was informed that her husband had remarried even though some demands were fulfilled.

The petitioners submit that the Petitioner no. 1 was posted in Bihar Agricultural College, Sabour, Bhagalpur as peon at the time of occurrence where the Petitioner no. 2 was also resided whereas the Petitioner no. 3 was used to live in Patna having separate mess and meal from the complainant. The husband had filed Matrimonial Case No. 40 of 2011 on 27.01.2011 on account of having illicit relationship of the complainant with another person. It is thereafter, the present complaint was filed in order to create defense.

On the last occasion notices had been issued to the Opposite Party no.2 but none appears on her behalf.

Having considered the peculiar facts of the case, the application is allowed and the order dated 14.10.2011 passed by the Sub Divisional Judicial Magistrate, Patna in Complaint Case No. 2870C of 2010, is hereby set aside.

(Anjana Prakash, J)

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