

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29532 of 2013

Arising Out of PS.Case No. -1600 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Malti Devi, wife of Ramjee Prasad Agrawal,
 2. Niranjana Kumar Agrawal, son of Ramji Prasad Agrawal, both resident of village-Chukadih, P.S.-Balidih, District-Bokaro Steel City

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi, wife of Mahendra Pd. Agrawal, daughter of Raghu Prasad, resident of village-Chukadih, P.S. Balidih, District- Bokaro, at present residing at Pai Bigha, P.S.- Belaganj, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 27-01-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 13.05.2013 passed in Complaint Case No.1600 of 2012, by which the learned Chief Judicial Magistrate, Gaya, after holding enquiry has found *prima facie* against the petitioners under Section(s) 498-A and 323 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

It has been submitted that after entering into compromise, the complainant is living peacefully with her husband, Mahendra Prasad Agrawal. The petitioners are the sister-in-law (Gotani) and son of the sister-in-law (Gotani) of the complainant.



There is no specific allegation of overt act against them.

The learned APP has submitted that there is no illegality in the impugned order.

From the impugned order as well as the allegation in the Complaint Petition and the Solemn Affirmation of the complainant, which was produced by the counsel for the petitioners during the course of hearing, this Court finds that no specific allegation or overt act has been alleged against the petitioners and continuance of proceeding against them will be abuse of process of Court and harassment to the petitioners.

In view of such, the order of cognizance, dated 13.05.2013, passed by the learned Chief Judicial Magistrate, Gaya, in Complaint Case No.1600 of 2012, along with entire proceeding with respect to the petitioners is hereby quashed.

The application stands allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02-02-2017
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