

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42449 of 2014

Arising Out of PS.Case No. -51 Year- 2012 Thana -MUFFASIL District- AURANGABAD

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Avinash Yadav, Son of Late Bhagwan Yadav, Resident of Village - Badali,
P.S. Mufassil, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, D/o Ram Keshi Yadav resident of village - Pepardih, P.O.
and P.S. Aurangabad (Nagar), District - Aurangabad
3. Nanhku Yadav, Son of Kameshwar Yadav, Resident of Village -
Dhathipar, P.O. Gurgaiya Karma, P.S. Mufassil, Aurangabad, District -
Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Md.Sufiyan (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner as well as

learned counsel for the State.

2. petitioner seeks quashing of entire criminal

proceeding inclusive the cognizance order dated 07.09.2012
passed by the learned Chief Judicial Magistrate, Aurangabad in
Mufassil P.S.Case No. 51 of 2012 thereby taking cognizance of
offence under Sections 379, 494, 498A and 34 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that in
fact the informant, wife of the petitioner, has married with another
man and living with him, so she has deserted him.

4. However, this cannot be a ground for setting aside



the cognizance order, as the defence of the petitioner cannot be considered for quashing the cognizance order and it is not the case that the allegation stated in the FIR does not make out the offence. So this application stands dismissed.

(Arun Kumar, J)

Sujit/-

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