

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32056 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

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1. Nitu Singh, Wife Of Shiv Pratap Singh, Daughter of Nandji Singh, Resident of Village - Rewatia, P.S.- Murar, District - Buxar

2. Nandji Singh, Son Of Late Lallan Singh, Resident of Village - Rewatia, P.S.- Murar, District - Buxar

.... Petitioners

Versus

1. The State Of Bihar

2. Baleshwar Rai @ Baleshwar Singh, Son of Late Gaya Rai @ Gaya Singh Resident of Village - Lilari, Post - Meyari, P.S.- Nokha (Baghela O.P.), District - Rohtas At Sasaram, At Present Bhabua Ward No. 11, P.S.- Bhabua, District - Kaimur (Bhabua)

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Anirugh Mishra, Advocate

For the Opposite Parties : Dr. Ravindra kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 31-01-2017

This quashing application has been filed against order dated 04.07.2009 passed by learned Chief Judicial Magistrate, Bhabhua in Complaint Case No. 1446 of 2008 whereby the learned Magistrate has after holding inquiry found prima-facie case against these petitioners along with one other accused Ravindra Singh.

It has been submitted on behalf of the petitioners that the instant case has been filed by the father-in-law against his daughter-in-law and Samdhi for humiliating him. It has further been submitted that the matter has now been settled and both parties have decided to live separate for which compromise petition has also been



filed in the lower court in Divorce Case No. 156 of 2015.

The complainant has alleged in the complaint petition that on 18.11.2008, he had come to the house of his son-in-law Srikant Singh and at 9.00 P.M. Ravindra Singh along with these petitioners had also come to the house of his son-in-law Srikant Singh. Ravindra Singh, who is a veteran criminal and involved in cases of murder and kidnapping, told the complainant that he has kept Nitu Singh, who is the wife of the son of complainant and his son has to give Rs.5,000/- for her maintenance and if he will deny, he will be killed. It is further alleged that these petitioners also gave support to Ravindra Singh. It is further alleged that Ravindra took out a pistol from his waist and gave threat to him.

From the impugned order, it appears that the learned Magistrate without discussing the S.A. of the complainant and the statement of the witnesses, found prima-facie case for the offence under Sections 341, 385, 448 and 504/34 of the Indian Penal Code against the accused persons. This court finds that the learned Magistrate has passed the impugned order in mechanical manner without making discussions about the statement of the witnesses recorded during inquiry.

In the aforesaid circumstances, the impugned order dated 04.07.2009 passed by the learned Magistrate is not in



accordance with law. As a result, the impugned order dated 04.07.2009, passed by learned Chief Judicial Magistrate, Bhabhua as well as entire proceedings in Complaint Case No. 1446 of 2008 is hereby quashed with regard to these petitioners.

Accordingly, this criminal miscellaneous application is allowed.

(Sanjay Priya, J.)

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