

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8235 of 2015

Arising Out of PS.Case No. -741 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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| 1. Bhushan Ram S/o Late Haran Ram | |
| 2. Sunita Devi W/o Bhushan Ram Both Resident of Village Bind, P.S. Bind, District Nalanda. | Petitioners |
| Versus | |
| 1. The State of Bihar. | |
| 2. Sunaina Devi W/o Sadan Ram R/o Village Chhoti (Malwan), P.S. Sarmera, District Nalanda. | Opposite Party |
- =====

Appearance :

For the Petitioners	: Mr. Binoy Kumar
For the State	: Mr. Ajay Kumar, APP
For the Opposite Party	: None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 07-12-2017 Heard learned Counsel for the petitioners as well as the learned Counsel for the State. None appears on behalf of the Opposite party.

The petitioners seek quashing of the cognizance order dated 1.9.2014 passed in Complaint Case No. 741(C) of 2014 by the Judicial Magistrate, 1st Class, Nalanda at Biharsharif, thereby taking cognizance of the offence under Section 406/34 of the IPC.

The brief fact giving rise to the case is that the complainant's son was married ten years back with the daughter of Bhushan Ram (petitioner No. 1 of this application. In the month of December 2013 Bhushan Ram approached the complainant for lending Forty thousand rupees cash for purchasing a piece of land. As it was a friendly loan so money was handed over by the complainant to the accused who assured her to return the money after two months, but the same was not returned.

Learned Counsel for the petitioners submits that the



petitioners' daughter Juli had lodged a case under Section 498A IPC against her husband and in-laws on 14.2.2014, therefore, her mother-in-law the present complainant, has lodged this false case maliciously against them.

The Opposite party No. 2 despite having received notice has not appeared.

Learned Counsel for the State submits that the allegation is of taking loan and the accused persons refused to return it back.

Having considered the rival submission and on perusal of the record, the Court finds that the present complaint appears to have been maliciously filed against the accused persons for the reason that the daughter of petitioners who also happens to be daughter-in-law of the present complainant, had earlier filed a case under Section 498A and other sections of IPC against her mother-in-law, the complainant, her husband and others, and the present complaint was filed thereafter on 23.6.2014. So, entire criminal proceeding inclusive of the cognizance order dated 1.9.2014 in Complaint Case No. 741(C) of 2014 is hereby quashed.

The application stands allowed.

(Arun Kumar, J.)

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