

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2532 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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Kanti Devi wife of Shiv Nath Ram @ Chotan Daughter of late Kedar Ram resident of Bamanlai, P.S. Bihta, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. Sri Shiv Nath Ram @ Chotan son of Late Tilak Ram resident of Bamanlai, P.S. Bihta, District - Patna

.... Opposite Parties

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Appearance :

For the Petitioner	:	Ms. Sushmita Mishra, Advocate
For the State	:	Mr. Braj Kishore Prasad, APP
For O.P. No.2	:	Mr. Manish Kumar No.13, Advocate
		Mr. Rohit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-11-2017

Heard learned counsel for the petitioner as well as learned counsel of the State.

2. This application has been filed for quashing cognizance order dated 19.05.2014, passed by learned S.D.J.M., Danapur, in Complaint Case No.180(C) of 2014 (Tr. No.2460 of 2014) thereby taking cognizance of the offence under Section 323 of the Indian Penal Code.

3. The petitioner is the wife of the complainant and the allegation is that husband on return to home after doing some manual work found his wife in compromising position with another person, when he objected then the said person escaped away after opening the door and his wife abused and assaulted him with fists and slaps



thereafter she eloped away from the matrimonial home.

4. Learned counsel for the petitioner does not make out any case for quashing the order of cognizance. Only submission is that the petitioner is the wife so such incident cannot be committed by the wife.

5. There is no element of improbability or absurdity in the case, hence finding no ground for interference with the order of cognizance as the allegation discloses a prima facie case, the quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2017
Transmission Date	22.12.2017

