

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2911 of 2015

Arising Out of PS.Case No. -270 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajendra Prasad Choudhary @ Rajendra Choudhary, son of Late Barkan Choudhary, resident of Village Chhoti Mirjapur, PS Abal Hatt (Chhoti Mirjapur), District Mirjapur (U.P.)

.... Petitioner

Versus

1. State of Bihar
2. Putul Devi, daughter of Late Ram Lakhan Choudhary, wife of Sri Rajendra Prasad Choudhary, resident of Village Bari Patandevi Road, PS Alamganj, District Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Shailendra Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 23-11-2017 Heard learned Counsel for the petitioner as well as the learned Counsel for the State.

The petitioner seeks quashing of the cognizance order dated 24.10.2008 passed by the learned Judicial Magistrate, 1st Class, Patna City in Complaint Case No. 270 of 2008, thereby taking cognizance of the offence under Sections 323 and 506 of the IPC.

Learned Counsel for the petitioner submits that the complainant is wife of the petitioner and due to strained relationship the present complaint was filed. She is living with her parents since 1990 and she has also filed a maintenance case in 1992 and the petitioner is also paying maintenance amount of Rs. 5000/- per month, even then she has levelled allegation of threatening her for withdrawing the maintenance case but already order has been passed.



However, considering the submission and the facts alleged in the complaint it is not that prima facie offence under Sections 323 and 506 IPC is not disclosed. She alleges that on that particular day 26.4.2008 all the accused persons after receiving the notice and issuance of distress warrant for recovery of maintenance amount came, abused and threatened her to withdraw the case and also assaulted her.

So there is no ground for interfering with the cognizance order.

The application stands dismissed.

(Arun Kumar, J.)

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