

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31333 of 2014

Arising Out of PS.Case No. -275 Year- 2006 Thana -ALAMGANJ District- PATNA

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1. Murari Prasad Saw

2. Gopal Prasad Saw

3. Soni Kumar Saw @ Sunil Kumar Saw @ Sunil Pd Saw

4. Payal Devi

Sons and daughter of Late Ram Prasad Saw

5. Rajiv Kumar Chaudhary

6. Binod Kumar Chaudhary

7. Ranjit Chaudhary @ Ranjo

All sons of Suresh Chaudhary @ Laso. All resident of Mohalla and P.O.
Hasanganj Road, Police Station - Mojahidpur, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the parties.

2. The petitioners have filed this application for quashing order dated 20.03.2009 passed by Sri Sanjay Kumar-IV, Judicial Magistrate, 1st Class, Patna City in Alamganj P.S.Case No. 275 of 2006(G.R.No. 1585 of 2006) by which charge has been framed under Sections 363, 365, 379, 420, 467, 498 and 504/34 of the Indian Penal Code.



3. Allegation, as per complaint, in brief, is that petitioner no. 4 Payal Devi left the house of her husband on the pretext of attending a marriage ceremony in her friend's house, but thereafter she did not return back. It is further alleged that she has gone after taking jewellery from the house and some amount of cash. It is further alleged that she had some extra-marital relationship with another person Rajiv Kumar Chaudhary, and later on, her parents, elder brother and daughter came to his house and threatened him and forcibly took his signature on a blank paper.

4. Learned counsel for the petitioners submits that no *prima facie* case under the aforesaid Sections, in which charge has been framed, is made out; in fact petitioner no. 4, Payal Devi, was being tortured by her husband, therefore, she left her matrimonial home and she has also filed a matrimonial case under Section 498A of the Indian Penal Code against her husband and others but after lodging of this case.

5. Having considered rival submissions of both sides and on perusal of record, *prima facie*, no case, as alleged, is made out in this case. It appears that wife of informant voluntarily left her matrimonial home along with her daughter. Even no list of alleged stolen items is mentioned by informant and no such evidence exists in the case diary. So the impugned order dated 20.03.2009



passed by Sri Sanjay Kumar-IV, Judicial Magistrate, 1st Class, Patna City in Alamganj P.S.Case No. 275 of 2006 (G.R.No. 1585 of 2006) and the entire criminal proceeding is set aside. This application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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