

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34297 of 2016

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Sweta Sharma, Wife of Mukesh Kumar Singh, At present resident at in the house of Dinesh Sharma, Village Salimpur, P.S. Bakhtiyarpur, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Mukesh Kumar Singh, Son of Vishundeo Singh, Village Saboura, P.S. Barauni, District Begusarai

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

8 15-11-2017

Heard learned counsel for the parties.

The petitioner seeks modification of the order dated 18.03.2016, passed in Cr. Misc. No.51633 of 2013 as only the sister-in-law and the brother-in-law had filed quashing application for setting aside cognizance order but it appears that in the order dated 18.03.2016, passed in Cr. Misc. No.51633 of 2013, inadvertently 'with respect to the petitioners only' was left, so the trial court dropped the entire criminal proceeding relating to husband and others though the husband's quashing application is still pending before this Court. It appears that in Cr. Misc. No.51633 of 2013, three petitioners, namely, Grishma Rani, Anand Shanker and Pramila Devi @ Pramila Kumari filed quashing application, Grishma Rani and Anand Shanker are sister-



in-law and brother-in-law of the complainant and petitioner no.3 is mother-in-law. The quashing application was allowed and cognizance order dated 25.07.2012, passed by the Sub-Divisional Judicial Magistrate, Barh, Patna in Complaint Case No.424C of 2012 was set aside only with respect to these petitioners but inadvertently could not be mentioned in order dated 18.03.2016, so the order dated 18.03.2016, passed in Cr. Misc. No.51633 of 2013 is modified to that extent only besides that the order dated 25.07.2012, passed by the Sub-Divisional Judicial Magistrate, Barh, Patna in Complaint Case No.424C of 2012 dropping criminal proceeding against all accused is set aside, it is made clear that the cognizance order with respect to the husband-Mukesh Kumar Singh was not set aside by this Court, so the criminal proceeding revives against him. The quashing application filed by the husband-Mukesh Kumar Singh before this Court will not be prejudiced by this order.

The modification application is accordingly allowed.

(Arun Kumar, J.)

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