

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1179 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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1. Naresh Kumar son of Bhuneshwar Singh
 2. Anil Kumar son of Bhuneshwar Singh
 3. Lalo Devi @ Lalita Devi wife of Anil Kumar
 4. Suresh Singh son of Bhuneshwar Singh
 5. Arnika Bharti @ Amika Kumari wife of Suresh Singh all are resident of village- Dih Gaupur, Jogi Asthan, P.O.- Gaupur, P.S.- Ujiyarpur, District- Samastipur
 6. Gaytri Devi, wife of Muneshwar Singh wrongly described as Bhuneshwar Singh
 7. Muneshwar Singh, wrongly described as Bhuneshwar Singh son of Late Balgovind Singh,
petitioner nos. 6 & 7 are resident of village- Dih Gaupur, Jogi Asthan, P.O.- Gaupur, P.S.- Ujiyarpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Patna , Bihar
2. Pratima Raj @ Dauli, wife of Naresh Kumar, resident of village- Dih Gaupur, Jogi Asthan, P.O.- Gaupur, P.S.- Ujiyarpur, District- Samastipur, at present resident of daughter of Anirudh Singh, Village+ P.O. + P.S.- Jandaha, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-12-2017

Heard learned counsel for the parties.

2. The petitioners are husband and in-laws of respondent

No.2 Pratima Raj @ Dauli. Pratima Raj @ Dauli initially filed Complaint Case No.1042 of 2015, under Section 498A of the Indian Penal Code, against the petitioners in the Court of learned Judicial Magistrate, 1st Class, Hajipur, Vaishali. Thereafter, she filed



Samastipur Mahila P.S. Case No.14 of 2015 against the petitioners. In both the cases, the date of occurrence is mentioned as 18.06.2014 and onwards. In both the cases the specific date of occurrence of assault is mentioned as 03.01.2015.

3. The present application has been preferred for quashing the cognizance order dated 14.07.2015, vide Annexure-4, passed in the above complaint case and for quashing the cognizance order dated 07.09.2015 passed by the learned Additional Chief Judicial Magistrate-I, Samastipur, in the police case. Alternative prayer is for amalgamation of the complaint case with the police case.

4. So far merit in the submission for quashing is concerned, on the basis of material on the record, this Court is not inclined to quash the cognizance orders. However, it cannot be disputed that these cases should be tried by one Court.

5. Learned counsel for the respondent submits that considering the convenience of respondent No.2, the cases be tried at Vaishali at Hajipur.

6. In the circumstances, it is ordered that the trial of Samastipur Mahila P.S. Case No.14 of 2015 be transferred to the District and Sessions Judge, Vaishali at Hajipur, who shall assign the record to the Magistrate before whom the aforesaid complaint case is pending and shall ensure that both the cases be tried by one and the



same presiding officer and both the cases shall be tried as a police case in view of the provisions of Section 210(2) Cr.P.C.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2017
Transmission Date	12.12.2017

