

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40302 of 2014

Arising Out of PS.Case No. -80 Year- 2010 Thana -SIKANDARA District- JAMUI

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Indu Devi, Wife of Uma Shankar Sharma, Resident of Village -
Sakaraudha, P.S. - Ghosi, District. - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kum Kum Devi, Wife of Rakesh Kumar, Resident of Village - Lahanda,
P.S. - Kikandra, District. - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. Umanath Mishra (App)

For O.P. No.2 : Mr. Abhishek Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 28-08-2017 No one appears on behalf of the petitioner.

Counsel for the opposite party no.2 is present.

Counsel for the opposite party no.2 draw my attention to the order dated 07.05.2015, passed by a Division Bench of this Court in M.A. No.462 of 2013, whereby the Division Bench after hearing the parties recorded its finding that the Matrimonial case on the ground of cruelty raised by the petitioner has not been found proved.

Having regard to the fact that the ground of cruelty, the subject matter in this Cr. Misc. case was also subject matter of Matrimonial Case no. 62 of 2009 and there is finding of the Division Bench that no cruelty is made, no useful purpose



would be served by keeping this case pending.

In view of the finding of the Division Bench in M.A. No. 462 of 2013 dated 07.05.2015, the present application for quashing the order dated 23.12.2010 passed by learned Sub-Divisional Judicial Magistrate, Jamui in Sikandara P.S. case no. 80 of 2010, whereby charge has been framed under Sections 498A, 504 and 506 read with Section 34 of the Indian Penal Code has no legs to stand.

The application is accordingly allowed in view of order dated 07.05.2015 passed in Misc. Appeal No. 462 of 2013.

(Anil Kumar Upadhyay, J)

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