

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46515 of 2014

Arising Out of PS.Case No. -733 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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Archana Sharma, Wife of Sri Ajay Kumar Sharma, Resident of Mohalla - Tajpur road [Durga Sanitary] Ward No. 4, P.S. - Samastipur [Town] District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Abhay Kumar Sharma, Son of Shyam Sunder Sharma, Resident of Mohalla - Tajpur Road, Mosaic House, Near CPS. Ward No. 4, P.S. - Samastipur [Town] District Samastipur.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Subodh Kumar, Advocate.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioner.

2. No one appears for the opposite party no. 2. State is not represented.

3. Petitioner is seeking quashing of the order dated 24.04.2014 passed by learned Chief Judicial Magistrate, Samastipur in Complaint Case C.R. No. 733/2014 by which the learned Magistrate has taken cognizance of the offences under Sections 427, 479, 323, 448, 452, 385, 504 & 354 of the Indian Penal Code and issued summons to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is a woman and the opposite party no. 2 is her Bhaisur



(elder brother of her husband). According to him, a property dispute is going on between the brothers which has led to filing of this case which is totally false, concocted and baseless. Learned counsel further submits that it is a civil dispute and the order taking cognizance in the nature of the present case is fit to be quashed.

4. This Court has perused the complaint petition and the materials available on record. The Court is not inclined to interfere with the impugned order but the petitioner is given liberty to raise all such pleas which are available to her in the court below at the time of framing of charge. If such a plea is taken by the petitioner, the learned court below shall consider the same keeping in mind the materials available on record and the provisions of laws under which the petitioner is sought to be prosecuted.

5. The application is disposed of with the observations aforesaid.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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