

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40708 of 2016

Arising Out of PS. Case No.-50 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Kanchan Devi Wife of Anjani Kishore , D/o Ganga Ram Sah
 2. Ganga Ram Sah S/o late Sukhdeo Sah
 3. Anita Devi W/o Ganga Ram Sah
 4. Pradip kumar null null
 5. Vivek Kumar Both Sons of Ganga Ram Sah All resident of Village- Rosera, PS Rosera, District Samastipur.
 6. Rajendra Yadav S/o late Hakar Yadav Resident of Village- Alauli, PS Alauli, District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi W/o Satish Chandra Prasad Resident of Village- Alauli, PS Alauli, District Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Md. Aslam Ansari
For the State : Mr. Rakesh Chandra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-07-2018 A Supplementary affidavit has been filed during
the course of the day.

Let it be taken on record.

The petitioner seeks quashing of the order dated 27.04.2016 passed by the learned Judicial Magistrate, 1st Class, Khagaria in connection with Complaint Case No. 50C of 2016 whereby cognizance has been taken under Sections 147, 323, 341, 379, 504 and 427 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the opposite party no. 2/complainant is non-else but the mother-in-law of petitioner no. 1. The occasion for her to file a present case arose because the



petitioner no. 1 had earlier filed a Complaint Case No. 1305C of 2013 against the opposite party no. 2 and others for the offences under Sections 498A/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that now the matrimonial dispute has been settled and even in this case, a settlement has been arrived at between the parties. The aforesaid statement of the learned counsel for the petitioner is not controverted by Mr. Rakesh Chandra, learned advocate who has appeared for opposite party no. 2.

Regard being had to the nature of accusation in the complaint petition which primarily denotes that the reason for lodging the complaint is because of an earlier case lodged by petitioner no. 1 against opposite party no. 2 and taking into account that all the disputes, at all forums, have been settled, this Court is of the view that no useful purpose would be served in allowing the present case to be continued for any purpose.

Considering the aforesaid facts, the order dated 27.04.2016 whereby the cognizance has been taken and all consequential proceedings in this case are quashed.

The application is allowed.

(Ashutosh Kumar, J)

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