

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10418 of 2013

Arising Out of PS. Case No.-699 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Jagdish Prasad S/O Late Shaligram Mahto Resident Of Village/
Mohalla- Memashikoh, Police Station- Chowk, District- Patna
 2. Rani Devi W/O Jagdish Prasad Resident Of Village/ Mohalla-
Memashikoh, Police Station- Chowk, District- Patna
 3. Rakesh Ranjan Kumar S/O Jagdish Prasad Resident Of Village/
Mohalla- Memashikoh, Police Station- Chowk, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Rekha Devi Divorced Wife Of Rakesh Ranjan Kumar Resident Of
Village/ Mohalla- Memashikoh, Police Station- Chowk, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Rita Verma(App)

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the petitioners; learned APP
for the State and learned counsel for the opposite party no. 2.



2. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for the following reliefs:

“ That this application on behalf of the petitioner is being filed for quashing the order taking cognizance dated 24.01.2013 passed by Sub Divisional Magistrate, Patna City in complaint case no. 699/2012.”

3. The opposite party no. 2, who claims to be the wife of the petitioner no. 3 had filed a complaint case alleging that after her marriage, initially she lived in the matrimonial home and a daughter and son was born to her at Patna. Thereafter, it is alleged that when he went to Ranchi for work, he developed relationship with one Priti Devi whom he married and after that all the accused started ill-treating the complainant and also abusing and assaulting her.

4. Learned counsel for the petitioners submitted that it is the opposite party no. 2 who had deserted the petitioners as she was not ready to live with her in-laws. It was further submitted that the petitioner no. 3 had obtained a decree of divorce from the Presiding Judge, Family Court, Ranchi dated 11.01.2010 in Matrimonial Title Suit No. 56 of 2008. Learned counsel submitted that the complaint is totally frivolous with *mala fide* intention. It



was further submitted that the petitioner has not married any person, much less Priti Devi.

5. Learned A.P.P. and learned counsel for the opposite party no. 2 submitted that the fact that the decree of divorce was obtained at Ranchi, where, before the Court she has appeared and filed objection with regard to the jurisdiction and the Court also taking note of the same, as per the statement of the witnesses of the petitioner no. 3 himself, the opposite party no. 2 was living in her parent's house since 20.05.2004. It was contended that the suit for divorce, thus, was not maintainable in law at Ranchi, but still, surprisingly, the Court without going into or dealing with the question of jurisdiction, which was specifically raised by the opposite party no. 2, has proceeded to pass an order allowing divorce. Learned counsel submitted that the fact that petitioner no. 3 married Priti Devi, would be clear if an enquiry is made from the local authorities.

6. At this stage, learned counsel for the petitioners submitted that he may be permitted to withdraw the application and the Court below be directed to go into all such aspects.

7. Learned counsel for the opposite party no. 2 does not object.



8. In view thereof, the application stands disposed off as withdrawn.

9. The Court below shall take all appropriate steps for getting verified as to whether Priti Devi is married to petitioner no. 3 and if so from when, and shall proceed in the matter and take it to its logical conclusion expeditiously.

(Ahsanuddin Amanullah, J)

P. Kumar

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