

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34262 of 2015

Arising Out of PS.Case No. -2293 Year- 2005 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ashwani Kumar Singh, son of Dr. Akhilesh Singh,
 2. Kiran Singh, daughter of Dr. Akhilesh Singh,
 3. Meena Devi, wife of Dr. Akhilesh Singh,
 4. Sunil Singh, son of Ramlakhan Prasad, all resident of Diva Colony, Ram Krishna Nagar, Near at Morya Public School, PO-Thelwan, P.S.-Gaurichak, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Arvind Prasad Sinha, son of Sri Parmanand Prasad, resident of Flat No.77 (G), Near Anandpuri Manorma Apartment, Boring Canal Road, P.S.-S. K. Puri, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
Ms. Monika, Advocate

For the Opposite Party No.1: Md. Sufiyan, APP

For the Opposite Party No.2: None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-05-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 22.04.2015 passed by the Sub-Divisional Judicial Magistrate, Patna, in Complaint Case No.2293-C of 2005 by which the learned Magistrate has dismissed the petition filed by the petitioners for their discharge under Section 245 Cr. P. C.

Heard learned counsel for the petitioners and the learned APP for the State in admission matter.



Notice was issued to the Opposite Party No.2, who has appeared through lawyer by filing Vakalatnama, but today none appears on behalf of the Opposite Party No.2.

Counsel for the petitioners has submitted that entire transaction took place between the Complainant and Dr. Akhilesh Singh. Petitioner Nos.1, 2 3 are son, daughter and wife of Dr. Akhilesh Singh and petitioner No.4 is an outsider not concerned with the family affairs of Dr. Akhilesh Singh.

In the Complaint Petition, it is alleged that the Complainant contacted Dr. Akhilesh Singh for performing marriage of his daughters with the son of Dr. Akhilesh Singh. They have also decided that the marriage will be solemnized in February, 2005, but finally marriage could not be performed as Dr. Akhilesh Singh made demand of rupees fifteen lacs.

Section 245 (1) Cr. P. C. clearly speaks *If, upon taking all the evidence referred to in section 244, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.*

In the instant case, from the allegation in the Complaint Petition itself, it appears that no case is made out against these petitioners.



In view of such, impugned order dated 22.04.2015 passed by the Sub-Divisional Judicial Magistrate, Patna, in Complaint Case No.2293-C of 2005 along with entire criminal proceeding against the petitioners is hereby quashed. They are discharged from the charges levelled against them.

This application is, accordingly, allowed at the admission stage itself.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	19-05-2018
Transmission Date	19-05-2018

