

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48326 of 2014

Arising Out of Case No.-3600(c) Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Om Prakash @ Om Prakash Sinha S/o Late Shatish Kumar Sinha aged about 56 years Resident of Mohalla Shashi palace Flat No. 304 in side of Kulhadia Complex, Ashok Rajpath, P.S. Pirbahore, District Patna-4.
 2. Meera Prakash @ Meera Kumari W/o Om Prakash aged about 52 years Assistant Teacher, B.N. Collegiate High School, Patna.
 3. Abhishek Prakash @ Meeku @ Abhishek Prakash Sinha S/o Om Prakash aged about 32 years Address- Shashi Palace Flat No. 304 in side of Kulhadia Complex, Ashok Rajpath, P.S.- Pirbahore, District Patna-4.
 4. Amitesh Prakash @ Niku @ Amitesh Prakash Sinha S/o Om Prakash aged about 26 years, Address Rajoli Garden, H.D.F.C. Bank New Delhi.
 5. Ranjana Sinha W/o Om Prakash aged about 46 years Address- Vishunpur Pakadi, P.S. Beuar, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Meena Jammuar W/o Dhananjay Kumar Jammuar Resident of Mohalla- Old Jakkanpur, Near Devi Asthan, P.S.- Jakkanpur, District Patna-800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh with Mr. Binod Kumar Pandey, Advocates
For the State	:	Mr. Ajay Kumar- 2, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-03-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.



2. Despite service of notice on opposite party no. 2, nobody appeared when the matter was taken up and heard.

3. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That by this present petition, the innocent petitioners craves indulgence before this Hon’ble Court for quashing of the cognizance order dated 28.03.2014 passed by the court of Learned S.D.J.M. Patna in complaint case No. 3600(c)/2013 whereby and where under the learned Court has taken cognizance of the offences U/S 323 of I.P.C. and Section 4 of the Dowry Prohibition Act without applying the conscious Judicial mind in Very-very mechanical and formal way which is absolutely an abuse of process of the court and quashing of such frivolous cognizance order is essential for securing of ends of Justice as the order is illegal, in improper and incorrect in the eye of law.”

4. After some arguments, learned counsel for the petitioners submitted that they may be permitted to withdraw the application with liberty to move before the Court below itself at the appropriate stage.

5. In view thereof, as prayed for by learned counsel for the petitioners, the application stands disposed off as withdrawn with liberty aforesaid.

6. If any application is filed by the petitioners before the Court below at the appropriate stage, the same shall be considered



on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

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