

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15866 of 2014

Arising Out of PS.Case No. -343 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

1. Sanjay Kumar, son of late Satya Narain Prasad, resident of mohalla - Nadraganj
(Ram Sagar Road) P.S.- Civil Lines, District Gaya, Bihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Manisha Kumari, wife Of Sanjay Kumar, daughter of late Bahadur Prasad,
resident of village - Chowk Road, Sarai, P.S.- Kotwali, District - Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Advocate

For the Opposite Party/s : Ms. Indu Bala Pandey, APP

Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-09-2015

Supplementary Affidavit filed today be kept on the
record.

The Petitioner seeks quashing of the order of
cognizance dated 17.01.2014 passed by the Sub-Divisional Judicial
Magistrate, Gaya, in Complaint Case No.343 of 2012.

The case of the Complainant is that she had filed a
petition of complaint in which the accused persons allegedly filed a
petition stating that the Complainant was having illicit affair with
another person.

It has been submitted that the said document has been

marked Exhibit in the Complaint Case hence, there is no justification for continuance of second complaint on the basis of the same.

On the other hand, counsel for the Complainant submits that since adjudication of the said document will take sometime, the present Complaint should not be set aside.

Having considered that the subject matter of the present complaint will be adjudicated in the earlier Complaint Case, the order of cognizance dated 17.01.2014 passed by the Sub-Divisional Judicial Magistrate, Gaya, in Complaint Case No.343 of 2012, is hereby set aside in so far as the Petitioner is concerned.

The application stands allowed.

(Anjana Prakash, J)

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