

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1727 of 2019

Arising Out of PS. Case No.-559 Year-2014 Thana- PATNA COMPLAINT CASE District- Patna

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1. SHANKAR KUMAR Son of Suresh Chaudhary Resident of Bhuski, P.S.- Khushrupur, District - Patna.
 2. Leela Devi Wife of Suresh Chaudhary Resident of Bhuski, P.S.- Khushrupur, District - Patna.

... .. Petitioners

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, HOME DEPARTMENT, PATNA.
2. The Director General of Police, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police (Rural)
5. The Deputy Superintendent of Police.
6. The officer-in-Charge, Khushrupur, Patna.
7. Mamta Devi Daughter of Sunil Chaudhary (Wife of Shankar Kumar Now, so called only with two Children). Resident of village - Dhamrahi ghat, P.S. - Malsalami, P.O.- Madho Mills, Distt.- Patna.
8. Mantu Kumar Son of Sunil Chaudhary Resident of village - Dhamrahi ghat, P.S. - Malsalami, P.O.- Madho Mills, Distt.- Patna.
9. Sanjay Kumar Son of Sunil Chaudhary Resident of village - Dhamrahi ghat, P.S. - Malsalami, P.O.- Madho Mills, Distt.- Patna.
10. Sunil Chaudhary Son of Late Ghotani Chaudhary Resident of village - Dhamrahi ghat, P.S. - Malsalami, P.O.- Madho Mills, Distt.- Patna.
11. Sabita Devi Wife of Sunil Chaudhary Resident of village - Dhamrahi ghat, P.S. - Malsalami, P.O.- Madho Mills, Distt.- Patna.
12. Raushan Sharma Son of Late Aklu Mistry Resident of Ram Krishnanagar, Rajendra Nagar, Patna (Newly married husband of Mamta Devi without divorced to the petitioner no. 1 Shankar Kumar duly married husband of Mamta Devi).

... .. Respondents

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Manoj Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-01-2020 The petitioners in this case are seeking following
reliefs:



- “(i) For protection of life and property of petitioner in the present circumstances from the private respondents which is being ruined on the malafide prosecution case lodged by Mamta Devi (Respondent No. 7) bearing No. Complaint Case No. 559 of 2014 dated 19/07/2014 U/S 498(A) of Indian Penal Code
- (ii) For an action against the Respondent No. 7 who lodged false and malice prosecution only to save her skin only with a view of continuation of her with newly married husband Respondent no. 12 (Raushan Sharma) and an action also be taken against other Private Respondents who are indulged themselves to protect the illegal act of Respondent no. 7 and Respondent no. 12.
- (iii) For protection further from malice and malafide prosecution by way of quashing entire proceeding of complaint case no. 559/2014 after notice and appearance of complainant in this writ petition before this Hon’ble Court.
- (iv) For other relief/reliefs as your Lordships may be deem fit and proper likewise Judicial Separation or Judicial restoration of relationship of wife and husband.”

On perusal of the writ application it appears that in the complaint case cognizance has been taken on 19.07.2014 and these petitioners have been summoned to face trial for the offence alleged under Section 498(A) of the Indian Penal code.



The petitioners are in fact aggrieved as the said proceeding is pending since 2014 till date. Although they have made certain allegations and raised grievance against the complainant, this Court is not going into such aspects of the matter on finding that the complaint case is presently pending before the competent court.

This Court is disposing of this writ application with a direction to the learned court below to expedite the disposal of Complaint Case No. 559 of 2014 and conclude the same preferably within a period of six months from the date of receipt/production of a copy of this order. No unnecessary adjournments shall be granted to either parties.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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