

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15799 of 2019

In
CRIMINAL MISCELLANEOUS No.38322 of 2014

Arising Out of PS. Case No.-3015 Year-2011 Thana- PATNA COMPLAINT CASE District-
Patna

=====

CHANCHAL KUMARI @ SUBHA MISHRA Wife of Neeraj Kumar Pathak
Daughter of Late Kamlakant Mishra, Resident of New Chitragupta Nagar
Parwati Path, Behind Ram Kumar Apartment, P.S.- Patrakar Nagar,
Kankarbagh, Town and District - Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR AND ORS Bihar
2. Parsuram Pathak Son of Sri Raja Ram Pathak Resident of Mohalla - New Area Jakkanpur, Near Laxmi Market, P.O.- Gardanibagh, P.S.- Jakkanpur, Town and District - Patna
3. Chandra Mani Devi @ Chandra Mani Pathak Wife of Parsuram Pathak Resident of Mohalla - New Area Jakkanpur, Near Laxmi Market, P.O.- Gardanibagh, P.S.- Jakkanpur, Town and District - Patna
4. Priyanka Wife of Sri Ajay Kumar Mishra D/o - Parsuram Pathak, Resident of R.M.S. colony, Road, No.2, P.S.- Kankarbagh, Town and District - Patna
5. Neeraj Kumar Pathak S/o Sri Parshuram Pathak R/o Moh- New Area Jakkanpur, Near Laxmi Market, P.O.- Gardanibagh, P.S.- Jakkanpur, Distt- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Pankaj Maijorwar, Advocate
For the Opposite Party/s :	Mr. Atul Chandra, APP
For the O.P. No. 5 :	Mr. Laxman Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 20-09-2021 Heard Mr. Pankaj Maijorwar, learned Advocate

for the petitioner and Mr. Laxman Pandey for the

opposite party no. 5. The State is represented by Mr.

Atul Chandra, learned APP.

This application has been filed for modification



of the order dated 09.08.2017 passed by Hon'ble Mr. Justice Arun Kumar, as he then was, in Cr. Misc. No. 38322 of 2014.

It has been submitted on behalf of the petitioner that by virtue of the aforesaid order, the cases of Parsuram Pathak, Chandra Mani Devi @ Chandra Mani Pathak and Priyanka, who are parents-in-law and married sister-in-law of the victim respectively has been quashed. However, while concluding the order referred to above, the Hon'ble Bench stated that the entire criminal proceeding including the order of cognizance dated 09.08.2012 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3015(C) of 2012 is being set aside.

It is the case of the petitioner that this order is being misunderstood by the court below that the entire order of cognizance which includes the case of opposite party no. 5, who is the husband of the petitioner has also been quashed.



Under such circumstances, the present application has been filed for modification of the order.

This Court is of the view that the order was passed by a coordinate Bench of this Court on 09.08.2017 is absolutely clear in its import. By that order, the cognizance order against Parsuram Pathak, Chandra Mani Devi @ Chandra Mani Pathak and Priyanka has been quashed. The entire criminal prosecution arising out of the aforesaid order of cognizance against those petitioners are quashed. This order ought not to be misread as quashing of the entire order of cognizance including other accused persons, especially opposite party no. 5.

For the sake of abundant caution, it is only clarified that the order dated 09.08.2017, which is sought to be revised is applicable only with respect to the petitioners in Cr. Misc. No. 38322 of 2014 viz. Parsuram Pathak, Chandra Mani Devi @ Chandra Mani Pathak and Priyanka. There should not have been any



confusion in understanding the import of this order as the prayer for quashing of the cognizance of opposite party no. 5 has already been rejected by a Bench of this Court.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

