

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50929 of 2021**

Arising Out of PS. Case No.-1009 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Smt. Monalisha Gupta W/O Shri Vishal Shah Presently Residing 65/65 Shri Aurobindo Road, Rakhi Cinema Complex, 2nd Storey, P.S- Golabari Road, Salkia, Bandha Ghat, District-Howrah, West Bengal, Pin-711106 And R/O Bada Bazar, Motipur, District-Muzaffarpur, Pin 843111.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Shah R/O 65/65 Shri Aurobindo Road, Rakhi Cinema Complex, 2nd Storey, P.S- Golabari Road, Salkia, Bandha Ghat, District-Howrah, West Bengal, Pin-711106

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raushan, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      28-07-2022                      1. Heard learned counsel for the petitioner and learned  
APP for the State.

2. That the present application is being filed for quashing the order dated 25.06.2021 passed in Cr. Misc. No. 90 of 2019 by Additional District and Sessions Judge-I, Muzaffarpur by which learned Additional District and Sessions Judge-I, Muzaffarpur disposed Cr. Misc. No. 90 of 2019 directing the Court below S.D.J.M. (West), Muzaffarpur to



decide and pass order on residence order afresh as the same was earlier directed by A.D.J.-XII, Muzaffarpur in Cr. Appeal No. 140 of 2018 vide order dated 10.04.2019.

3. Learned counsel for the petitioner submitted that the proceedings under Cr. Misc. No. 90 of 2019 in respect of ex parte order dated 28.08.2018 passed by the learned S.D.J.M., Muzaffarpur in Complaint Case No. 1009 of 2018 is totally misconceived and due to concealment of the fact as said order has already been taken into consideration through judgement of Cr. Appeal No. 140 of 2018 passed by learned Additional Sessions Judge-XII, Muzaffarpur on 10.04.2019.

4. It is further submitted that aforesaid judgement of Cr. Appeal No. 140 of 2018 challenged before the Hon'ble High Court, where one of the learned Co-ordinate Bench vide order dated 30.07.2019 as passed in Cr. Misc. No. 42978 of 2019, provided interim protection to the petitioner and permitted to reside in shared household.

5. In the background of the above fact and the submissions, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty, to raise all these issues, in Cr. Misc. No. 42978 of 2019, where issues may be viewed in larger prospects.



6. In view of the above mentioned facts and circumstances and by taking note of request, as made above, by learned counsel for the petitioner, the present quashing petition stands dismissed as withdrawn, with aforesaid liberty, to raise all such issues in Cr. Misc. No. 42978 of 2019, where substantial issues are pending to take care, in larger prospects.

**(Chandra Shekhar Jha, J)**

Ankit/-

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