

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16290 of 2020

Arising Out of PS. Case No.-606 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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PREM NIWAS PANDEY Son of Birendra Pandey Resident of 16,
Dharmatala Road, Kasba, Kolkata, West Bengal - 700042.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi @ Babita Pandey Wife of Munna Kumar Resident of Village -
Bhakhari, P.S.- Dhanarua, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 18-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 14.01.2020 by which learned Judicial Magistrate-1st Class, Massudhi has taken cognizance against the petitioner in Complaint Case No. 606 (C)/2019 registered for the offence under Sections 498A/34 of the Indian Penal Code.

3. As per prosecution, complainant stated in her complaint that she was married to accused Munna Kumar in 2003 in which family members of the complainant by their own will gifted Rs. 3 lacs and jewellery worth Rs. 2 lacs and also other items. After some time it has been alleged that entire family members of in-laws misbehaved with the complainant



and demanded one motorcycle and Rs. 1 Lakh. It has further been alleged that co-accused Munna Kumar assaulted and abused the complainant and in 2005 a son and in 2007 a daughter was born from their wedlock. It has been alleged that on 02.10.2019 all the accused persons assaulted the complainant and put kerosene oil on her on which her children made noise, neighbours came saved her life. Thereafter she filed complaint case against the accused.

4. The petitioner is the brother-in-law of the opposite party no. 2. There is general and omnibus allegation against the petitioner.

5. Considering the law laid down by Hon'ble Supreme Court in the case of *Kahkashan Kausar vs. State of Bihar (2022) 6 SCC 599*, this application is allowed.

6. The prosecution of the petitioner in Complaint Case No. 606 (C)/2019 by which cognizance has been taken is hereby quashed with respect to the petitioner.

(Sandeep Kumar, J)

Ranjeet/-

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