

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16327 of 2018

Arising Out of PS. Case No.-110 Year-2017 Thana- BARH District- Patna

1. Rajendra Kumar Pandey Son of Late Kartik Pandey, Son of Rajendra Kumar Pandey,
2. Hmanshu Raj, Son of Rajendra Kumar Pandey,
3. Ratnesh Kumar Pandey, Son of Rajendra Kumar Pandey, All are resident of Mohalla- Kalyanpur, P.S.- Near Ashok Town Hall, P.S. and District- Jamui.
4. Sanjay Kumar Pandey, Son of Ram Naresh Pandey, Resident of Village- Rampur, P.S. and District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 11-07-2023 Heard the parties.

This application has been filed for quashing the impugned order dated 04.07.2017 by which learned A.C.J.M.- IV, Barh has taken cognizance against the petitioners in Compl. Case No. 110-C/2017 for the offence under Section 323/380 of the Indian Penal Code.

As per prosecution case, son in law of petitioner no. 1 filed complaint case before learned court below stating therein that he was married with daughter of petitioner no. 1 on 09.05.2015 but his wife does not want to live with him. Lastly he filed Divorce Case No. 1049/2016 pending before Family



Court, Patna. It is further alleged that all accused persons along with two unknown persons came at his house and started abusing and assaulting him and broke his T.V., Washing Machine also snatched away golden chain and one V.I.P. causing total loss of Rs. 70,000/- and fled away. Lastly he filed Complaint Case on 23.02.2017.

The family members of the girl side has been made accused in this case. From reading of the entire case it appears that it is a *mala fide* prosecution and the same should not be allow to continue.

In view of the aforesaid, this application is allowed.

The impugned order dated 04.07.2017 by which learned A.C.J.M.-IV, Barh has taken cognizance against the petitioners in Compl. Case No. 110-C/2017 is hereby quashed with respect to the petitioners.

(Sandeep Kumar, J)

Ranjeet/-

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