

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80526 of 2018

Arising Out of PS. Case No.-2059 Year-2013 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Braj Narayan Shukla Late Jagdeo Shukla All resident of- Narainapur, Bagaha, P.S-Pathkhauli(Bagaha),Distt.-West Champaran.
 2. Munna Kumar @ Dhirendra Mani Shukla Braj Narayan Shukla All resident of- Narainapur, Bagaha, P.S-Pathkhauli(Bagaha),Distt.-West Champaran.
 3. Jhunna Kumar @ Shivam Mani Shukla Braj Narayan Shukla All resident of- Narainapur, Bagaha, P.S-Pathkhauli(Bagaha),Distt.-West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Basant Kumar @ Basant Tiwary Harishankar Tiwary resident of Belisarai,P.S-Motihari town,Dist.-East champaran at Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate
For the Opposite Party/s : Mr.Sri Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. This application has been filed for quashing of order dated 26.03.2018 passed by learned Sub-Divisional Judicial Magistrate, West Champaran at Bettiah in Trial No. 2449 of 2018 arising out of Complaint Case No. 2059C of 2013 by which learned Magistrate has taken cognizance against the petitioners for the offences under Sections 323 and 504 of the Indian Penal Code.

3. Petitioners are the relatives of complainant's wife and because of matrimonial litigation, the present complaint has



been filed against the petitioners.

4. Learned counsel for the opposite party no. 2 submits that the prosecution cannot be quashed at this stage as the offences are made out against the petitioners.

5. I have heard both the submissions of the parties and also perused the materials available on record. This kind of frivolous and malicious litigation initiated by the complainant should not continue and the same be quashed.

6. Accordingly, the impugned order dated 26.03.2018 passed by learned Sub-Divisional Judicial Magistrate, West Champaran at Bettiah in Trial No. 2449 of 2018 arising out of Complaint Case No. 2059C of 2013 is hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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