

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48015 of 2016

Arising Out of PS. Case No.-6019 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Sohan Lal son of Lakshmi Lal, resident of Purani Bazar Nawada, Near Hanuman Mandir, P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Jyoti Kumari, W/o. Sohan Lal, resident of Purani Bazar Nawada, Near Hanuman Mandir, P.S. and District- Nawada at present residing at village- Baksori, P.S.- Govindpur, District- Nawada.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 35085 of 2017

Arising Out of PS. Case No.-6019 Year-2015 Thana- NAWADAH COMPLAINT CASE
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Versus

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... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 48015 of 2016)

For the Petitioner/s : Ms. Soni Shrivastava

For the Opposite Party/s : None

For the State : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 35085 of 2017)

For the Petitioner/s : Ms. Soni Shrivastava

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 19-06-2023

Heard learned counsel for the parties.

Mr. Jharkhandi Upadhyay, learned APP for the State



has brought the record.

This application is filed for quashing of the order dated 01.08.2016 in connection with Protest Complaint Case No. 6019/2015 by which learned Magistrate has taken cognizance against the petitioner for the offence registered under section 498A of the Indian Penal Code.

At the very outset, learned counsel for the opposite party no. 2 Mr. Indradeo Prasad submits that the opposite party no. 2 has taken the file from him after obtaining no objection. In that view of the matter he submits that his name may be deleted as advocate for the opposite party no. 2. When the opposite party no. 2 has taken the file and obtained no objection, Mr. Indradeo Prasad is not obliged to appear on his behalf. Once he has informed this Court that he doesn't appear on behalf of the opposite party no. 2, his job is over he is discharged from appearing on behalf of the opposite party no. 2 in the present case.

None appears for the opposite party no. 2.

The report of the Superintendent of Police, Nawada has been received. Seen the report of the Superintendent of Police, Nawada from which it is clear that the opposite party no. 2 is leading an adulterous life. The O.P. No. 2 has stated



on oath that she is staying at Calcutta as a maid and is not leading a adulterous life. This Court at the moment is not taking any action against the opposite party no. 2 for filing false affidavit. In view of the report of the Superintendent of Police, Nawada, this application is allowed.

The order dated 01.08.2016 passed in Protest Complaint Case No.6019/2015 is hereby quashed.

(Sandeep Kumar, J)

Ranjeet/-

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