

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15289 of 2011

1. NEELAM SRIVASTAVA AND ANR. W/O Sri S.K. Srivastava G.M. Coal India Limited Residing At Wani, P.S.- Wani, District- Yavanatmal, Maharastra
2. Bimla Narayan W/O Late N.N. Narayan Residing At Wani, P.S.- Wani, District- Yavanatmal, Maharastra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar S/O Late Randhir Kumar Resident Of Mohalla- Anwarpur Chowk, P.S.- Hajipur, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

19 08-05-2023 Heard the parties.

This application has been filed for quashing the order dated 06.04.2002 passed by learned Judicial Magistrate, 1st Class, Hajipur in Complaint Case No. 344 of 2002 / Tr. No. 1455 of 2002.

Learned counsel for the petitioners submits that the brother of petitioner Neelam namely Hemant Kumar was married to one Rupam Verma daughter of N.N. Verma and the said marriage could not continue and finally under section 13(b) of the Hindu Marriage Act, both have taken divorce from the



family Court Patna vide Matrimonial Suit No. 51 of 1997.

In his further submission learned counsel for the petitioners submits that after divorce Hemant Kumar is not married with any one and he is leading a bachelor life and was residing at Jamshedpur at the relevant time and thereafter he shifted to Kolkata and is working at Bharat Petroleum in Zonal Office and at the behest of first wife of Hemant Kumar with whom a decree of divorce was already passed in the year 1977 vide Annexure-2 the present fictitious complaint has been filed and when the petitioners learnt and obtained the certified copy of the complaint and they went to make enquiry in mohalla Anwarpur Chowk, they failed to get any trace of Sudhir Kumar son of late Randhir Kumar.

Despite valid service of notice, the Opposite Parties have not appeared and it appears that the contention of the petitioners that Hemant Kumar was not married to the O.P. No. 03 seems to be correct and the petitioners are being harassed by the O.P. No. 02 and 03.

In view of the aforesaid circumstances, this application is allowed.

Accordingly, the order dated 06.04.2002 passed by learned Judicial Magistrate, 1st Class, Hajipur in Complaint Case



No. 344 of 2002 / Tr. No. 1455 of 2002 and the entire prosecution of petitioners including all other accused persons in Complaint Case No. 344 of 2002 are hereby quashed.

(Sandeep Kumar, J)

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