

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5536 of 2017

Arising Out of PS. Case No.-1058 Year-2008 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Krishna Prasad and Ors son of Late Baleshwar Prasad,
 2. Meera Devi @ Meena Devi, Wife of Krishna Prasad,
 3. Reena Kumari, D/o Krishna Prasad.
 4. Chandan Kumar both sons of Krishna Prasad. All residents of Mohalla New Godown, G.B. Road, P.S. Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Anjani Kumar Sinha, son of Late Banwari Lal, Resident of Mohalla Nadraganj Ram Sagar Road, P.S. Civil Line, District- Gaya. At present Sindhi Dharmshala Bahuara, Chauraha, P.S. Civil Line, District- Gaya.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7069 of 2017

Arising Out of PS. Case No.-1058 Year-2008 Thana- GAYA COMPLAINT CASE District-
Gaya

Kundan Kumar son of Krishna Prasad Resident of Mohalla New Godown,
G.B. Road, P.S. Kotwali, District Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Anjani Kumar Sinha son of Late Banwari Lal Resident of Mohalla Nadraganj Ram Sagar Road, P.S. - Civil Line, District - Gaya, At present Sindhi Dharmshala Bahuara, Chaura P.S. Civil Lines, District Gaya.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5536 of 2017)

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sri Tapeswar Sharma

(In CRIMINAL MISCELLANEOUS No. 7069 of 2017)

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sri Nityanand

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER



3 13-03-2023 Heard the parties.

In both these applications, the petitioners have challenged the order dated 10.06.2016 passed by learned Judicial Magistrate XVI, Gaya in connection with Tr. No. 1054 of 2015 arising out of Complaint Case No. 1058 of 2008 by which, the Magistrate has rejected the discharge application filed by the petitioners under Section 245 of the Cr.P.C.

In Cr. Misc. No. 5536 of 2017, the Opposite Party No. 02 is son-in-law of the Petitioner No. 01 and 02 and Petitioner No. 03 is the daughter of petitioner No. 01 and 02 and petitioner No. 04 is the son of petitioner No. 01 and 02.

In Cr. Misc. No. 7069 of 2017 the Opposite Party No. 02 is the brother-in-law of the petitioner.

It has been submitted by the learned counsel for the petitioners that this case has been filed in order to pressurize the petitioners to withdraw the Matrimonial case filed by the wife of Opposite Party No. 02, who is daughter of petitioner No. 01 and 02 of Cr. Misc. No. 5536 of 2017.

Heard learned counsel for the State and Opposite Party No. 02 also.

Learned counsel for the opposite party No. 02 does not deny the relationship between the parties. He submits that



contents of the complaint are true and offence is made-out.

Considering the submission of the parties as well as the relationship between the parties and the law laid down by the Hon'ble Supreme Court in the Case of *State of Haryana Vs. Bhajanlal reported in 1992 SC 604*, these applications are allowed.

Accordingly, the order dated 10.06.2016 passed by learned Judicial Magistrate XVI, Gaya in connection with Tr. No. 1054 of 2015 arising out of Complaint Case No. 1058 of 2008 and the order dated 26.11.2016 passed by the Learned Sessions Judge, Gaya in Criminal Revision No. 129 of 2016 are hereby quashed.

(Sandeep Kumar, J)

Vikas/Shishir

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