

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1781 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Aurangabad

1. RISHIKANT TIWARY S/o Late Shashibhushan Tiwary Permanent Resident of Village- Maner Tiwary Tola, P.S.- Maner, District- Patna at present residing at Mohalla- Rajabazar, Mangal Market, P.S.- Shastri Nagar, District- patna.
2. Vibha Tiwary W/o Late Shashibhushan Tiwary Permanent Resident of Village- Maner Tiwary Tola, P.S.- Maner, District- Patna at present residing at Mohalla- Rajabazar, Mangal Market, P.S.- Shastri Nagar, District- patna.
3. Ravikant @ Ravikant Tiwary S/o Late Shashi Bhushan Tiwari Permanent resident of Village Maner Tiwary Tola, P.S.- Maner, District- Patna at present residing at C/o B.B. Gurung Bhotabahal Sundhara, kathmandu Nepal
4. Amrita Tiwary W/o Dhiraj Kumar, D/o Late Shashibhushan Tiwary Resident of Ashwini D Adak Folat No. E-1101, Dadhadewahaveli, Pune Pimpti Chinchwad, 412105
5. Uma Sharma @ Babli Sharma W/o Sri Lal Mohan Sharma House No.716, Hmishika Colony Crpf Pinjore- Haryana 134104
6. Pratush Anand @ Nilu Sharma S/o Lal Mohan Sharma House No.716, Hmishika Colony Crpf Pinjore- Haryana 134104
7. Krishna Ishan Anand @ Ishu Sharma S/o Lal Mohan Sharma House No.716, Hmishika Colony Crpf Pinjore- Haryana 134104
8. Ashok Pandey @ Ashok Kumar Pandey S/o Late Shivshankar Pandey House No.716, Hmishika Colony Crpf Pinjore- Haryana 134104

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Smriti Kumari D/o Jitendra Sharma, W/o Rishikant Tiwary at present residing, besides of V. Market Tiwary Market, Ward No.2 Gaya Road, Bhakhrua more, Daudnagar, P.S.- Daudnagar, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha
For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-01-2024 1. Heard learned counsel for the petitioners and learned, A.P.P.
2. Learned counsel for the O.P. No. 2, at the outset,



submits that the present quashing application is not maintainable for the reason that no order taking cognizance has been passed under the Domestic Violence Act (D.V), under Section 31 for violation of protection order passed under Section 18.

3. It is next submitted that the present quashing application has been filed seeking quashing of the notice which was issued to the petitioners by the learned trial court for appearing before it.

4. The learned counsel for the petitioners, at this stage, submits that since the matrimonial relationship between the Petitioner No. 1 and O.P. No. 2 has ceased as decree of divorce has been granted in favor of the petitioner No. 1, as such, after the relationship has ceased between the Petitioner No. 1 and the O.P. No. 2, filing of the case under the D.V. Act is nothing but an abuse of the process of the court.

5. It is also submitted that petitioner No. 1 has already appeared before the learned D.V. court and has brought all these facts to its notice.

6. The learned counsel for the O.P. No. 2 thus submits that if what has been submitted by the learned counsel for the petitioners is true, in that event, the learned D.V. court will pass orders accordingly, but then challenging the notice issued under



Section 12 of the D.V. Act for the present is not maintainable.

7. Considering the submission made by the learned counsel for the O.P. No. 2, the court is not inclined to entertain the quashing application and the same is rejected.

(Satyavrat Verma, J)

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