

Devendra Prasad Sinha and ors Vs. the State of Bihar and anr

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Court : Patna

Decided On : Sep-10-2013

Appellant : Devendra Prasad Sinha and ors

Respondent : The State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.1668 of 2008

===== 1. Devendra Prasad Sinha, son of Sri Nathun Prasad Sinha 2. Niranjn Kumar, son of Sri Devendra Prasad Sinha 3. Abhiranjn Kumar, son of Sri Devendra Prasad Sinha All are residence of village Parari, P.S. Chandi, P.O. Satnag, Distt. Nalanda. At present Mohalla Bari Pahari, Magadh Colony, P.S. + P.O. Sohsarai, Dist. Nalanda (Near Sales Tax Office).

4. Arjun Prasad, son of late Shiv Sahay Mahto, village Dadpur, P.O. Fatehpur More, P.S. Akbarpur, Distt. Nawadah.

5. Arjun Prasad, son of late Ram Charan Mahto, village Dadpur, P.O. Fatehpur More, P.S. Akbarpur, Distt. Nawadah. Petitioner/s Versus 1. The State of Bihar 2. Arjun Prasad Nirala @ Arjun Kurmi, son of late Jagdeo Prasad, Village Ravio, P.S. Sirdalla, Distt. Nawadah. . . . Opposite Party/s Appearance : For the Petitioner/s : Mr. P.N. Shahi, Senior Adv. Mr. Manish Sahay, Adv. For the State : Mr. R.B. Roy Raman, A.P.P. CORAM: HONOURABLE JUSTICE SMT. ANJANA

PRAKASH ORAL

JUDGMENT

(Per: HONOURABLE JUSTICE SMT. ANJANA PRAKASH) Dated :

10. 09-2013 Anjana Prakash, J.

: No one appears on behalf of the Opposite Party No.

2. 2. Supplementary affidavit has been filed on behalf of the Petitioners submitting therein that there is no progress in Trial on account of the stay operating in the present application.

3. The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 10.12.2007 passed in Complaint Case No. 536 of 2006 passed by the Sub Divisional Judicial Magistrate, Nawadah.

4. The case of the Complainant is that he had negotiated the marriage of his daughter with the Petitioner No. 3 for Patna High Court Cr.Misc. No.1668 of 2008 dt.10-09-2013 2/2 which reason, he paid a certain amount of money to the father of Petitioner No.

3. Later on, the bride groom parties refused to perform marriage with the Petitioner No. 3.

5. The submission of the Petitioners is that after due investigation, Final Report was submitted in the matter and the case was found completely false. It is only on the basis of interested witnesses during enquiry under Section 202 Cr. P.C. on the protest- cum-complaint petition that the impugned order has been passed.

6. Considering the circumstances of the case I have no hesitation in holding that continuance of the present proceeding will be a gross abuse of the process of the Court and deserves to be set aside.

7. In view of such, the application is allowed and the entire proceeding including the order of cognizance dated 10.12.2007 passed by the Sub Divisional Judicial Magistrate, Nawadah, in connection with Complaint Case No. 536 of 2006 is,

hereby, quashed. (Anjana Prakash, J.) Patna High Court, Patna. Dated, the 10th September, 2013 NAFR/S.Ali

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