

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26191 of 2023**

Arising Out of PS. Case No.-2083 Year-2022 Thana- GOPALGANJ COMPLAINT CASE  
District- Gopalganj

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1. ARCHANA KUMARI Wife of Suraj Rai, Daughter of Devendra Kishore Singh R/V- Bedaun, P.S- Kuchaikote, Dist- Gopalganj, Bihar and currently residing at Flat No. 403, Kewal Residency, Yarpur, PS- Gardanibadh, Patna ,Bihar
  2. Raju Kumar Singh Son of Devendra Kishore Singh R/V- Bedaun, P.S- Kuchaikote, Dist- Gopalganj, Bihar and currently residing at Flat No. 403, Kewal Residency, Yarpur, PS- Gardanibadh, Patna ,Bihar
  3. Indu Singh @ Indu Devi Wife of Devendra Kishore Singh R/V- Bedaun, P.S- Kuchaikote, Dist- Gopalganj, Bihar and currently residing at Flat No. 403, Kewal Residency, Yarpur, PS- Gardanibadh, Patna ,Bihar
  4. Devendra Kishore Singh Son of Late Ramagya Singh R/V- Bedaun, P.S- Kuchaikote, Dist- Gopalganj, Bihar and currently residing at Flat No. 403, Kewal Residency, Yarpur, PS- Gardanibadh, Patna ,Bihar
  5. Meenakshi Singh Wife of Raju Kumar Singh R/V- Bedaun, P.S- Kuchaikote, Dist- Gopalganj, Bihar and currently residing at Flat No. 403, Kewal Residency, Yarpur, PS- Gardanibadh, Patna ,Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suraj Rai Son of Sanjay Kumar singh R/O Mashan Thana, PS- Jadopur, Dist- Gopalganj, Presently residing at Mohalla-Islamia, Ward No. 12, Chuna Gali, PS- Gopalganj Town, Dist- Gopalganj.Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prashant Kumar, Adv.  
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

- 2      08-11-2023                      1. Heard the learned counsel for the petitioners and the learned APP for the State.
2. Issue notice to the opposite party no.2 by both modes i.e. speed post as well as ordinary post with A/D, for which necessary requisites must be filed on or before



24.11.2023, failing which the quashing application shall stand rejected without further reference to the Bench.

3. Put up this case on 29.02.2024.

4. In the meantime, the order dated 19.01.2023 passed by the learned J.M. 1<sup>st</sup> Class, Gopalganj in connection with Complaint Case No. 2083/2022, T.R. No. 976/2023, whereby cognizance of offences under sections 406, 379 and 34 of the Indian Penal Code has been taken, shall remain stayed.

5. The learned counsel for the petitioners submits that the O.P. No.2 is husband of petitioner no.1 and petitioner no.2, 3, 4 and 5 are brother, mother, father and sister-in-law of the petitioner no.1. The learned counsel next submits that on account of dispute in between the petitioner no.1 and the O.P. No.2, the present false case has been instituted by the O.P. No.2 against his wife including all her family members. The learned counsel further submits that from perusal of the allegation, as alleged in the complaint, it would manifest that the thrust of the allegation is that the flat purchased by the O.P. No.2 has been forcibly occupied by the petitioner no.1 and her family members. It is also alleged that the son of O.P. No.2 and the petitioner no.1 is suffering from Autism for which he is bearing the cost of treatment. Further, only with a view to grab the



property of the O.P. No.2, the petitioners are torturing him. The learned counsel next submits that there is a matrimonial dispute in between the petitioner no.1 and the O.P. No.2, for which, the petitioner no.1 had instituted a case under the D.V. Act and the O.P. No.2 had instituted a divorce case and in order to coerce the petitioner no.1 into submission, the present case has been instituted implicating her entire family members. It is also submitted that the flat in which the petitioner no.1 is staying is in the joint name of her and the O.P. No.2.

**(Satyavrat Verma, J)**

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