IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14821 of 2016

Arising Out of PS. Case No.-1006 Year-2009 Thana- BUXAR COMPLAINT CASE District-Buxar

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Kamla Devi @ Kamla Sharma and Ors

... ... Petitioner/s

Versus

State Of Bihar and Anr

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Opposite Party/s : Dr. Kr.Uday Pratap APP
Mr. Digvijay Kumar Ojha
Mr. Kamal Kishore Sinha

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 13-01-2026 Heard the learned counsel for the petitioners, learned APP for the State and the learned counsel for the O.P. No. 2.

2. This application has been filed for quashing the order dated 27.07.2010 passed by the S.D.J.M., Buxar in Complaint Case No. 1006(C) of 2009 by which, cognizance was taken under Sections 498A and 323 of the Indian Penal Code against the petitioners.

3. The impugned order dated 27.07.2010 has been challenged by the petitioner in this Court in the year 2016 i.e., after more than six years, after an inordinate delay.

4. In view of the above, this application is dismissed solely on the ground of delay and laches with liberty to the petitioners to raise all the grounds at the stage of discharge.

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5. If such an application is filed, the same shall be considered by the Court below in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. The State of Bihar*** reported in ***(2022) 9 SCC 577***.

6. Interim protection granted to the petitioners by order dated 06.09.2023 is hereby vacated.

7. Let a copy of this order be communicated to the Principal District & Sessions Judge, Buxar through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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