

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.586 of 2014**

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

Sujit Kumar, Son of Binay Mistri, R/o Village- Sachai, P.S.- Kurtha, District –  
Arwal. .... Petitioner

Versus

1. The State of Bihar
2. The Superintendent of Police, Gaya
3. The Deputy Superintendent of Police, Gaya
4. The Officer in Charge, Kotwali Police Station, District Gaya
5. Rajendra Mistri, Son of Late Ramchandra Mistri, R/o Village-Rampur, P.S. -  
Makdumpur, District- Jehanabad

.... Respondents

**Appearance :**

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate  
Ms. Madhavi, Advocate

For the Respondent/s : Mr. Pravin Kumar Verma, AC to SC-26

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 03-03-2015**

Heard learned counsel for the petitioner and learned  
counsel for the State.

In this application filed under Articles 226 and 227 of  
the Constitution of India, the petitioner seeks quashing of the first  
information report of Kotwali P.S. Case No. 4 of 2009 registered for  
the offence under Section 498A read with 34 of the Indian Penal  
Code as well as 3 and 4 of the Dowry Prohibition Act.

Initially, a complaint was instituted before the learned Chief Judicial Magistrate, Gaya which was referred to the police for investigation under Section 156(3) of the Code of Criminal Procedure pursuant to which the aforesaid police case was registered.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. He is not related in any manner to the husband of the complainant and, thus, he cannot be prosecuted for the offence punishable under Section 498A of the Indian Penal Code.

On the other hand, learned counsel for the State has vehemently opposed the prayer for quashing of the FIR. He has submitted that in course of investigation, it has transpired that the petitioner is cousin of the husband of the complainant of the case.

I have heard the parties and perused the record. The FIR discloses commission of a cognizable offence.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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