

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18548 of 2013

Arising Out of PS.Case No. -3516 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Sumit Kumar @ Sumit Anand, S/O Ashok Choudhary @ Ramesh Chaudhary,
 2. Ashok Chaudhary, S/O Mahendra Chaudhary, &
 3. Veena Devi, W/O Ashok Chaudhary, all resident of Bhawanipur Chowk, Police
Sttaion- Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rani Devi, D/O Dinesh Sah, resident of Bhawanipur Chowk, Police Station-
Bhawanipur, District- Purnea., at present resident of Dhamdaha (Uttar) Police
Station - Dhamdaha, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. A. Khan, APP

Mr. Ajit Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

The Petitioners seek quashing of the order dated
10.12.2012 passed by the Sub-Divisional Judicial Magistrate,
Purnea, in Complaint Case No.3516 of 2011.

The case of the Complainant is that he was married to
the Petitioner No.1 on payment of some money and gifts but then
she was tortured for ends of dowry and hence she filed the present
Complaint.

It has been submitted on behalf of the Petitioners that,
in fact, they do not come within the purview of Section 498-A

Indian Penal Code, inasmuch, as the Complainant was admittedly married to another person before the so called marriage with the Petitioner No.1. In such circumstances, when there was no valid marriage there was no question of the Petitioner No.1 being her husband and rest of the accused being relatives by such relationship.

On the other hand, counsel for the Complainant submits that he cannot deny Annexure-2 which is a Divorce Petition filed on her behalf against her previous husband Dinesh Sah, but fact of the matter is that thereafter she was living with the Petitioner No.1 as his wife and, therefore, they should be put on trial.

Having considered the legal proposition, the order dated 10.12.2012 passed by the Sub-Divisional Judicial Magistrate, Purnea, in Complaint Case No.3516 of 2011 is hereby set aside.

The application stands **allowed**.

(Anjana Prakash, J)

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