

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41484 of 2012

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1. Parmeshwar Chauhan , Son of Shatrughan Chauhan.
2. Shatrughan Chauhan, Son of Sri Sita Ram Chauhan.
3. Shanti Devi, Wife of Shri Shatrughan Chauhan.
All are residents of Chutia, P.S. Chutia, District- Ranchi, Jharkhand.
..... Petitioners.

Versus

1. The State of Bihar.
2. Asha Devi, D/o now known. Allegedly wife of Parmeshwar Chauhan,
R/o Korisath, Nawadah, P.S. Udwant Nagar, District- Bhojpur,
presently R/o Chinimill, Buxar, P.S. Buxar Nagar.
..... Opposite Parties.

Appearance :

For the Petitioners : Mr. Awadhesh Kumar, Advocate.
For the State : Mr. Pushpa Sinha-2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for quashing the order dated 24.04.2006
passed by Smt. A.K. Lal, Sub-Divisional Judicial Magistrate,
Buxar, in Complaint Case No. 22C of 2005, Tr. No. 465 of 2011,
by which cognizance has been taken for offence under Section
498A of Indian Penal Code.

The prosecution case as alleged in the complaint case by
Asha Devi that she married with petitioner no. 1 in the year 1999
and there is allegation of demand of Rs. 50,000/- and a
motorcycle. There is also allegation of subjecting cruelty and
driven her out from her matrimonial house

Learned counsel for the petitioners submits that petitioners do not know anybody in the name of Asha Devi who is the complainant in the instant case and the petitioner no. 1 is not at all married to anybody in the name of Asha Devi.

However, taking into consideration the submission made by the learned counsel for the petitioners, it is apparent that the petitioners have challenged the factum of marriage. However, at this stage while exercising the jurisdiction under Section 482 of Cr.P.C. this Court cannot go into the question whether allegations made are true or false. The truthness or falsity of the allegation can only be decided at the trial and this Court at this stage has no jurisdiction to go into the question. Moreover the Criminal Court only go into the question about the factum of marriage unless decided by Civil Court.

Hence I am not inclined to interfere with the order taking cognizance at this stage. However, the petitioner will be at liberty to raise issue at the stage of framing of the charge.

With this observation, this petition is dismissed.

m.p.

(Gopal Prasad, J)

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