

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48674 of 2012

Arising Out of PS.Case No. -306 Year- 2011 Thana -null District- ARRARIA

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PANKAJ KUMAR KARN, S/O SHRI BAIDYA NATH PRASAD KARN, R/O
VILLAGE - MORWA, P.S. TAJPUR, DISTT. – SAMASTIPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Bhupendra Narayan Singh, Advocate.

Mr. Vijay Anand Singh, Advocate.

For the State : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 13-03-2015

Heard learned counsel for the petitioner and the learned
counsel for the opposite party.

The present application has been filed for quashing the
order dated 27.04.2012 passed in Araria P.S. Case No. 306 of 2011,
whereunder the learned Sub-Divisional Judicial Magistrate, Araria, on
perusal of the charge sheet and the case dairy took cognizance of the
offences under Sections 341, 342, 323, 504, 506 and 498(A) of the
Indian Penal Code.

Learned counsel for the petitioner submits that earlier
Rashmi Devi, wife of the petitioner, who is informant of Araria P.S.
Case No. 306 of 2011, had filed the Complaint Case No. 1861 of 2007



in the court of Chief Judicial Magistrate, Muzaffarpur, against the petitioner and other family members, in which, after inquiry petitioner and others were summoned on 14.01.2008 for the offence under Section 498A and 34 of the Dowry Prohibition Act on 14.01.2008 by the Sub-Divisional Judicial Magistrate, East Muzaffarpur. Against the aforesaid order petitioner and others had preferred Criminal Miscellaneous No. 7715 of 2009, which was allowed on 03.04.2012 quashing the entire criminal proceeding in Complaint Case No. 1861 of 2007. Only to harass the petitioner, Rashmi Devi, has filed Araria P.S. Case No. 306 of 2011. It is further submitted that petitioner has filed Matrimonial Suit No. 42 of 2007 for restitution of conjugal right against his wife, Rashmi Devi, who is the informant of the present case, which was decreed on 09.03.2010 by the court of Principal Judge, Family Court, Giridih, but the informant, Rashmi Devi, did not choose to live with the petitioner then the petitioner filed Execution Case No. 03 of 2010, which is pending in the court of Principal Judge, Family Court, Giridih.

On perusal of the impugned order, it appears that the F.I.R. of Araria P.S. Case No. 306 of 2011 is lodged by Rashmi Devi, wife of the petitioner, regarding the occurrence dated 17.06.2011 in which the cognizance has been taken against the petitioner through the

impugned order. As such, I find no illegality in the impugned order amounting to abuse of process of court for interference with the same. Accordingly, this application is dismissed. However the petitioner would be at liberty to raise his point/defence in the trial court.

(Rajendra Kumar Mishra, J)

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