

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42418 of 2012

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Ajit Kumar Keshari, son of Murlidhar Prasad Keshari, resident of Main Road, in front of Bajrang Wali (Kirana Shop), P.S.- Jagdishpur, Distt.- Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. Pummy Kumari, wife of Ajit Kumar Keshari, resident of Main Road, in front of Bajrang Wali (Kirana Shop), P.S.- Jagdishpur, Distt.- Bhojpur, At present resident f Masaurhi, P.S.- Masaurhi, Distt.- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Shri Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Shri Surendra Pd.Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 16-04-2015

The 2nd respondent herein is married to the petitioner. She filed a complaint being Complaint Case No.265 C of 2010 under Section-200 Cr.P.C. before the court of Sub-Divisional Judicial Magistrate, Masaurhi, alleging offences punishable under Sections, 498A of I.P.C. and Section 4 of D.P. Act against the petitioner herein. The trial court took cognizance of the same through order dated 14.9.2010. Hence, this petition is filed under Section-482 Cr.P.C. with a prayer to quash the same.

Heard Shri Dhananjaya Nath Tiwari, learned counsel for the petitioner, and Shri Surendra Prasad Singh, learned A.P.P. for the State.

The relationship between the petitioner and the 2nd respondent is not disputed. The 2nd respondent filed the complaint alleging offences punishable under Section-498A of I.P.C. and Section-4 of D.P. Act. The truth or otherwise of allegations needs to be dealt with in the trial. The occasion to quash the impugned order would arise only when no case can be culled out even if the contents of the complaint are taken as true. If that test is applied, the present petition does not qualify.

Therefore, the petition is dismissed.

The trial court shall consider the feasibility of sending the parties for mediation before it takes up the case for trial.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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