

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50169 of 2012

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Rajeev Kumar Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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23-04-2015

Heard learned counsel for the petitioner.

The petitioner has preferred this application for quashing of the order dated 3.6.2012 passed by the learned S. D.J.M., Khagaria in connection with Complaint Case No. 369 (C)/2011 dated 09.05.2011 by which cognizance has been taken under section 498A of the Indian Penal Code against the petitioner.

The case of the complainant is that one Sajo Singh, father of the victim one Mamta Devi had brought the complaint case against the husband (petitioner), father-in-law, Nanad and two devars of the said victim Mamta Devi. The allegation is that he married his daughter to the petitioner, Rajeev Kumar Singh on 01.02.2011 as per Hindu rites and rituals. Thereafter, she went to her matrimonial house with her husband where they led their conjugal life for ten days. It was further complained that the accused persons demanded one Hero Honda Motor Cycle as well as Rs. 1, 000, 00 as dowry from his daughter. When Mamta Devi informed her parents about the dowry, the informant went to the

house of the daughter and showed his inability and brought his daughter to her Maik.

The Matrimonial Suit No. 84 of 2012 has been filed by the petitioner in the Court of Principal Judge, Family Court, Khagaria, which is pending.

The learned Sub Divisional Judicial Magistrate, Khagaria while taking cognizance on 03.06.2012, has perused the records of the case and found that the complainant has been examined under Sections 200 Cr.P.C., who has supported the case, has examined two enquiry witnesses, namely, Mamta Devi(victim) and Sukho Devi (Mother of the victim), who have supported the case of cruelty, but the victim has not been medically examined to come on a clear finding of cruelty. Further, no independent witnesses have been examined.

Hence, in my opinion, prima-facie, a case under section 498A of the Indian Penal Code is not made out against the petitioner. The complaint Case No. 369 (C)/2011 is hereby quashed.

The application is, accordingly, allowed.

(Nilu Agrawal, J)

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