

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12028 of 2015

Arising Out of PS.Case No. -151 Year- 2014 Thana -BUDDHACOLONY District- PATNA

1. Rahul Dwivedi son of Kesh Nath Dwivedi resident of mohalla - Mahatma Gandhi Nagar, Bazar Samittee Road, Police Station - Town Thana, District - Buxar and presently residing in the House of Late K.P. Sinha, Near Little Garden School, Road No. 23-b, Sri Krishna Nagar, Police Station - Budha Colony, District - Patna.
2. Kesh Nath Dubey son of Late Satya Narayan Dubey resident of mohalla - Mahatma Gandhi Nagar, Bazar Samittee Road, Police Station - Town Thana, District - Buxar.
3. Rajesh Kumar Dubey @ Rajeech Dubey Son of Sri Kesh Nath Dwivedi Resident of Mohalla - Mahatma Gandhi Nagar, Bazar Samiti Road, Police Station - Town Thana, District - Buxar.
4. Rekha Dubey @ Rekha Dwivedi Wife of Sri Rajesh Kumar Dubey resident of Mohalla - Mahatam Gandhi Nagar, Bazar Samittee Road, Police Station - Town Thana, District - Buxar.

.... Petitioners

Versus

1. The State of Bihar.
2. Priyanka Gautam wife of Rahul Dwivedi, Daughter of Prof. Dr. Bimal Kishore Mishra Permanent R/o Vill + Post - Garauli, P.S. Sahpur Patti, Dist - Bhojpur presently residing at Sarswati Niwas, 1st Floor, Road No. 6/C, Rajendra Nagar, Police Station - Kadam Kuan, District - Patna.

.... Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
Mr. Pritish Kumr Lal, Adv.
Mr. Amit Pandey, Adv.

For the State : Mr. Sarvan Kumar, Adv.

For O. P. No. 2 : Mr. Ajay Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 18-09-2015



By way of the present application filed under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 12.1.2015 passed by the Sub-Divisional Judicial Magistrate, 1st Class, Patna whereby finding a prima facie case to be made out, he took cognizance under Sections 498 A, 341, 323, 504, and 34 of the Indian Penal Code and Section 3 / 4 of Dowry Prohibition Act in connection with Budha Colony P. S. Case No. 151 of 2014 and summoned the petitioners to face trial.

2. It would be evident from the FIR that the informant has alleged that she was assaulted by her husband on several occasions in her matrimonial home. She has alleged that the other family members conspired together with her husband in order to make her life hell. When the brother of the informant went to persuade petitioner no. 1 Rahul Dwivedi not to subject her to cruelty, he was brutally assaulted as a result of which, he received grievous injuries for which he was treated in hospital. The police investigated the case and found the allegations made in the FIR to be true. On completion of investigation the police submitted charge-sheet under Sections 498 A, 341, 323, 504/ 34 of the Indian Penal Code and 3 / 4 of Dowry Prohibition Act against the petitioners.



3. Learned counsel for the petitioners has submitted that there is no truth behind the allegations made in the FIR. As a matter of fact, opposite party no. 2 is avoiding living with the petitioner no. 1 and whenever the petitioner no. 1 accepts the demands of the opposite party no. 2 another range of demands of the opposite party no. 2 starts surfacing up. He further submits that the husband of the informant has also filed an application under Section 9 of the Hindu Marriage Act before the learned Principal Judge, Family Court, Buxar for restitution of conjugal life.

4. On the other hand, learned counsel for the informant submits that the petitioners have subjected the informant to cruelty in various ways in her matrimonial home. The informant had sustained several injuries which were noticed by the police at the time of institution of the FIR. Even during investigation, the witnesses have corroborated the allegations made in the FIR.

5. Learned counsel for the State has supported the arguments advanced on behalf of the learned counsel for the informant.

6. Regard being had to the allegations made in the FIR and the materials collected in course of investigation by the police, I find no error in the impugned order passed by the learned Magistrate.

7. Accordingly, the application being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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