

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11227 of 2013

Arising Out of PS.Case No. -416 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- -

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1. Arvind Kumar, son of Baliram Prasad, resident of Village Madhupur, Haraiya Gali, P.S. Rawadarshganj, District Sonbhadra (Uttar Pradesh).

.... Petitioner.

Versus

1. The State of Bihar .
2. Anamika Kumari, Wife of Arvind Kumar, daughter of Shyam Lal, Village-Madhepur, Haraiya Gali, P.S. Rawadarshganj, District-Sonbhadra (Uttar Pradesh). At present Daudnagar, Gaya Road, District-Aurangabad.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the Opposite Party/s : Mr. Iftekar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This is a petition for quashing the order taking cognizance dated 16.12.2001 passed by the Sub-Divisional Judicial Magistrate, Daudnagar, in Complaint Case no. 416 of 2011 registered under Sections 498A and 494 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Learned counsel for the petitioner submitted that petitioner has not married with the complainant and allegations made against this petitioner are totally false and complainant has already married with other person.

However, this Court in exercise of extra ordinary jurisdiction under Section 482 of Cr.P.C. to decide whether allegations are false and true, it is totally in existence in court below. Further, this Criminal Court has no jurisdiction to decide whether marriage has been solemnised or not.

Hence, I do not find any merit this petition. Accordingly, this petition is dismissed.

However, the petitioner may have liberty to raise issue before the trial court.

m.p.

(Gopal Prasad, J)

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