

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36655 of 2012

Arising Out of PS.Case No. -81 Year- 2012 Thana -null District- NAWADA

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Lalan Prasad Yadav, S/o Shri Yadav R/o Village - Jharayan Tola Harihar Bigha,
P.S. Nawada, District - Nawada

.... Petitioner

Versus

1. The State Of Bihar
2. Juli Kumari, D/o Late Brijnandan Prasad, R/o Village - Loharpura, P.S. &
District - Nawada

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-05-2015

The 2nd respondent herein filed a complaint registered as Complaint Case No.81/12 against the petitioner, alleging offence punishable under Section-498A of I.P.C. before the court of S.D.J.M., Nawada. The trial court took cognizance of the case and issued summons to the petitioners.

This petition under Section-482 of Cr.P.C. is filed with a prayer to quash the order dated 23.2.2012 of the trial court taking cognizance of the offence.

The petitioner contends that the 2nd respondent was married to another person, by name Rajesh Kumar, and that person filed Matrimonial Case No.149 of 2009 in the

court of Principal Judge, Family Court, Nalanda at Bihar Sharif for restitution of conjugal rights. An order is said to have been passed on 26.7.2011 allowing the application. In this background, the petitioner seeks relief of quashing the order through which the cognizance was taken.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Even if what is pleaded by the petitioner is true, it can be brought to the notice of the trial court itself. That can be done either during trial or by filing a discharge petition. This Court is not inclined to quash the proceedings at this stage.

The criminal miscellaneous petition is dismissed.

(L. Narasimha Reddy,CJ)

K.C.jha/-N.A.F.R.

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