

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.313 of 2015

Arising Out of PS.Case No. -2991 Year- 2013 Thana -SARAN COMPLAINT CASE District-SARAN

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1. Chitranjan Singh @ Anu Singh Son of Nagnarayan Singh Resident of Village-Dhatiwna,P.S-Thawe,District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.

For the State : Mr. Gulnar Begum, APP

For Opposite Party No.2 : Mr. Mukesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-08-2015

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

By the present application filed under section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 31.05.2014 passed by the learned Sub Divisional Judicial Magistrate, Saran in Complaint Case No. 2991 of 2013, whereby, finding a prima facie case to be made out under section 498-A of the Indian Penal Code, the petitioner has been summoned to face trial.

At the outset, it is submitted that by order dated 16.04.2015, with the consent of the parties, the matter was sent to the Patna High Court Mediation & Conciliation Centre in order to

amicably resolve the dispute but the reconciliation failed. In that view of the matter, it has been requested that the matter may be heard on merit.

Heard Mr. Ranjeet Kumar Pandey, learned counsel for the petitioner, Ms Gulnar Begum, learned Additional Public Prosecutor for the State and Mr. Mukesh Kumar Singh, learned counsel for the opposite party no.2.

The allegations made in the complaint do attract the ingredients of the offence punishable under section 498-A of the Indian Penal Code. The complainant has supported her allegation made in the complaint during her examination on oath under Section 200 of the Code of Criminal Procedure. In course of enquiry conducted under section 202 of the Code of Criminal Procedure, apart from the complainant, two other witnesses have fully corroborated the allegations made in the complaint.

Taking into account the allegations made in the complaint, the statement of the complainant recorded on oath and the statements of the witnesses recorded in course of enquiry under section 202 of the Code of Criminal Procedure, learned Sub Divisional Judicial Magistrate has found prima facie case to be made out against the petitioner, who happens to be the husband of the complainant, under section 498-A of the Indian Penal Code.

I find no illegality in the order impugned. Accordingly,
the application is dismissed.

It is made clear that in view of the final order passed in
this case, the petitioner would not be liable to make payment to the
opposite party no.2 in terms of the interim order dated 16.04.2015.

(Ashwani Kumar Singh, J)

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