

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40342 of 2012

Arising Out of PS.Case No. -119 Year- 2012 Thana -null District- KATIHAR

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Anil Kumar Mandal, son of Shyamlal Mandal, resident of Village-Dhamkol, P.S.-
Dandkhora, District-Katihar. Petitioner

Versus

1. The State of Bihar
 2. Padma Devi, daughter of Baidyanath Mandal, resident of village-Madhepura,
P.S.-Mufassil, District-Katihar. Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jharkhand Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-04-2015

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

By filing instant application under Section 482 of the
Code of Criminal Procedure, the petitioner seeks quashing of the
order dated 26.6.2012 passed by the learned Judicial Magistrate-1st
Class, Katihar in C.A. No. 119 of 2012 whereby he has taken
cognizance for the offence punishable under Section 498A of the
Indian Penal Code.

From a bare perusal of the complaint, it would appear
that the petitioner being husband of the complainant subjected his

wife to cruelty for non-fulfilment of demand of dowry. The allegation made in the complaint has been supported by the complainant while being examined on oath. The other three witnesses examined on behalf of the complainant in course of inquiry have also supported the allegation made in the complaint. Considering the materials available on the record, the learned Magistrate has taken cognizance for the offence punishable under Section 498A of the Indian Penal Code.

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

However, the petitioner may raise all the points available to him at the stage of framing of charge.

(Ashwani Kumar Singh, J.)

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