

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47486 of 2012

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

1. Satish Kumar S/O Late Birendra Mohan Mishra R/O Vill.- Baheda Jahidpur,
P.S.- Nanpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anisha Sinha D/O Sri Shashi Kumar Sinha R/O Village- Khabra, P.S.- Sadar,
District- Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Parmanand Prasad
For the Opp. Party No. 2 :- Mr. Nachiketta Jha.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-04-2015

Heard learned counsel for the petitioner, learned counsel for
the State and learned counsel for Opposite Party No. 2.

This application under section 482 of the Code of Criminal
Procedure has been filed for quashing the order dated 04.08.2012 passed in Tr.
No. 5416 of 2012 arising out of Quazimohammadpur P.S. Case No. 174/2011, G.
R. No. 2563 of 2011 by which the learned Chief Judicial Magistrate, Muzaffarpur
took cognizance of the offence punishable under section 498-A of the Indian
Penal Code and summoned the petitioner to face trial.

According to the prosecution case, the complainant was
married with the petitioner on 06.06.2010 and she was subjected to cruelty in
various ways for non fulfillment of demand of dowry by the petitioner and others.
The police investigated the case and submitted charge-sheet against the petitioner.
After going through the allegations made in the first information report and the

materials collected in course of investigation, the learned Chief Judicial Magistrate, Muaffarpur took cognizance of the offence punishable under section 498-A of the Indian Penal Code against the petitioner.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in this case without any rhyme or reason and the entire allegations made in the F.I.R. are false and fabricated.

It is well settled that at the stage of cognizance, the defence of the petitioner is not to be looked into. At this stage the accused has got no locus standi. The Court below has considered the first information report and the materials collected in course of investigation as well as the F.I.R. do attract the ingredients of the offence punishable under section 498-A of the Indian Penal Code.

In that view of the matter, I do not find any illegality in the order impugned. Accordingly, this application is dismissed

Amin/-

(Ashwani Kumar Singh, J)

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