

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23582 of 2016

Arising Out of PS.Case No. -111 Year- 2011 Thana -BARAULI District- GOPALGANJ

Matloob Alam Son of Late Gulzar Hussain resident of village - Halim Tola
(Hukum Tola), P.S. Barharia, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Farhana Khatoon daughter of Mohammad Ali resident of village -
Sareya Narendra, P.S. Barauli, District - Gopalganj

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 01-08-2016 Heard both sides.

The petitioner filed this petition for quashing of the order dated 23.06.2014 by which the learned Sub-divisional Judicial Magistrate, Gopalganj took cognizance under Section 498A, 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The informant filed complaint case no. 1010/2011 on the basis of which Barauli P.S. Case No. 111/11 was registered under Section 498A, 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. The police after investigation submitted final form finding the case true against the accused persons. Cognizance of the offence under Section 498A, 406 of the Indian

Penal Code and Section 3/4 of Dowry Prohibition Act was taken vide order dated 23.06.2014. The aforesaid order has been challenged stating therein that wife has compromised the case and the compromise petition is filed even then cognizance has been taken.

I find no force as the offence under Section 498A of the Indian Penal Code is non-compoundable and the learned Judicial Magistrate has only perused the material collected during investigation. Therefore, I do not find any illegality in the order impugned and accordingly this petition is dismissed.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--