

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.219 of 2016

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1. Rajesh Thakur, Son of Navin Chnadra Thakur
2. Navin Chandra Thakur, son of Jaideo Thakur
Both Resident of Village- Chakanti Police Statio Nanpur District Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar, Through The District Magistrate, Muzaffarpur
2. Prabhat Ranjan Thakur, Son of Vakil Thakur Resident of Village-Jajuar
Police Station Katra District Muzaffarpur.
3. Nutan Kumari, Daughter of Vakil Thakur Resident of Village -Jaguar
Police Station Katra District Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh
Mr. Birendra Kumar Singh

For the State : Mr. Apurva Kumar, AC to GP 11

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 29-03-2016 The petitioners have sought quashing of the entire prosecution in Sessions Trial No. 148 of 2012 arising out of Katra PS Case No. 101 of 2004 for the offences under Sections 323, 379, 498A, 307, 504/34 of the Indian Penal Code, pending in the court of Additional Sessions Judge X, Muzaffarpur.

It is admitted by learned counsel for the petitioners that on completion of the investigation, charge-sheet has been filed for the offences under Section 498A read with Section 34 IPC. The argument of the learned counsel for the petitioner is that marriage between the petitioner and respondent no. 3 was declared nullity by a Civil Court, therefore, the offence under Section 498A IPC

cannot be said to have been committed by the petitioners.

Once on completion of the investigation charge-sheet has been filed, it is for the petitioners to appear and to defend themselves in the trial. Quashing of the proceedings can be ordered, if on reading of the entire complaint, no criminal offence is made out. The stand of the petitioners is in the nature of defence which cannot be examined in a petition for quashing of the proceedings.

In view thereof, the present writ application is dismissed with liberty to the petitioners to raise all pleas as are available to them before the trial court in accordance with law.

(Hemant Gupta, J)

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