

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22417 of 2016

Arising Out of PS.Case No. -1032 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Jitesh Kumar Son of Sri Vishnu Prasad Gupta, Resident of village-
Wasilpur, P.O. + P.S.- Arwal, District- Arwal Petitioner/s
Versus

1. The State of Bihar

2. Shilpa Kumari, Daughter of Shankar Kumar Gupta, Resident of village-
Nisarpura Lauk, P.S.- Naubatpur, District- Patna.... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 19-08-2016

Heard both sides.

The petitioner has filed this petition under Section 482 of the Cr. P. C. for quashing the order dated 28.11.2014 by which the learned Judicial Magistrate found prima facie case under Section 498A of the IPC to proceed against the accused persons.

The wife/ complainant filed Complaint case No. 1032(c) of 2014 alleging therein that she was married to the petitioner on 29.11.2012 but her husband and other family members started assaulting her for non fulfillment of demand of additional dowry.

The complainant was examined on S.A. The complainant also examined her witnesses. The learned Judicial Magistrate, after perusing the materials collected during the course of investigation, found prima facie case under Section 498A of the IPC to proceed against the petitioner/ husband.

The learned counsel for the petitioner submits that earlier the petitioner moved for anticipatory bail before this court vide Cr. Misc. No. 29906 of 2015 and in the order dated 09.10.2015 it has been mentioned that there is irretrievable breakdown in the relation of husband and wife and, therefore, it would be best that the parties will negotiate to each other for final settlement of the matter. Accordingly, on 30.11.2015 some money was paid to the wife and some money was agreed to be paid later on. It is further submitted that petitioner has already filed a divorce case No. 106 of 2014. On these grounds the petitioner sought quashing of the order aforesaid.

I do not find any force in the submission as the complainant and her witnesses have very categorically stated that the petitioner, being the husband, brutally assaulted the complainant on account of non fulfillment of demand of dowry and drove her out from the house. The witnesses also have supported the case of complainant. Therefore, I do not find any illegality in the impugned order.

The quashing petition is dismissed.

(Prabhat Kumar Jha, J)

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