

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21269 of 2016

Arising Out of PS.Case No. -94 Year- 2013 Thana -SALIMPUR District- PATNA

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1. Puja Kumari Daughter of Ajay Singh resident of Village- Bahapur, P.S.-
Salimpur, district- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. Dr. M. K. Gautam.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 29-07-2016

Heard both sides.

2. The petitioner has filed this application for quashing the order dated 27.02.2016 passed in Salimpur P.S. Case No. 94 of 2013 in which the learned Magistrate took cognizance against the petitioner also, who happens to be the un-married sister of the husband of the informant.

3. On the basis of the statement of the informant Salimpur P.S. Case No. 94 of 2013 was registered under sections 323, 504, 498-A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act. The informant alleged that after sometime of her marriage, her husband, father-in-law, mother-in-law and sister-in-law, the petitioner, started subjecting her to physical and mental torture and they also assaulted her due to non fulfillment of the dowry.

4. The police after investigation did not find the case true against the petitioner and, accordingly, submitted final form finding the case false against the petitioner but the charge-sheet was submitted against the husband, father-in-law and mother-in-law. However, the learned Magistrate took cognizance against the petitioner also.

5. Learned counsel for the petitioner submits that save and except the statement of the informant, there is no material against the petitioner. The petitioner is un-married sister-in-law of the informant but it appears from the order of the Judicial Magistrate that he has taken note of the fact that the informant in his further statement has also reiterated the allegation that the petitioner also subjected her to physical and mental torture due to non fulfillment of demand of dowry and on consideration of material available on record, the learned Judicial Magistrate took cognizance.

6. Having considered the facts, I do not find any illegality in the order impugned and accordingly, this application is dismissed. The petitioner, if so advised, may raise all the points at the time of framing of charge.

(Prabhat Kumar Jha, J)

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