

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.39155 of 2015**

Arising Out of PS.Case No. -32 Year- 2013 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

1. Manish Kumar Soni @ Manish Kumar S/o Sunil Kumar Soni, Resident of village/Mohalla- Gudri, P.S. Nagar Hajipur, District- Vaishali at Hajipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Pammi Soni D/o Gorakh Prasad, Resident of village/Mohalla- Patna City, Lodi Katra, P.S. Khajekala, District- Patna.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anand Kumar Singh, Adv.

For the Opposite Party/s : Mr. M.K. Khare, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 08-04-2016**

By way of the present application preferred under Section 482 of the Code of Criminal Procedure (for short 'CrPC'), the petitioner seeks quashing of the order dated 06.01.2014 passed by the learned Chief Judicial Magistrate, Hajipur (Vaishali) in Hajipur Women P.S.Case No. 32 of 2013 dated 20.05.2013 whereby, finding a prima facie case to be made out for the offences under Sections 498-A, 406 and 34 of the Indian Penal Code as also Sections 3 and 4 of the Dowry Prohibition Act, the petitioner has been summoned to face trial.

2. The case arises out of an FIR instituted by one Pammi Soni, wife of the petitioner, who was married to the petitioner on 14<sup>th</sup>

July, 2010. It has been alleged in the FIR that the petitioner and his relatives were not happy with the said marriage. They were always pressurizing the informant of the case to demand car from her father. She has also alleged that they used to confine her in a room and committed several kinds of atrocities upon her.

3. The allegations made in the FIR were investigated upon and on completion of investigation the police found the allegations to be true and thereby submitted a report under Section 173(2) of the CrPC against the petitioner and others.

4. It would be evident from perusal of the impugned order dated 06.01.2014 passed by the learned Chief Judicial Magistrate that the witnesses examined during investigation had supported the case and hence cognizance of the offences punishable under Sections 498-A and 406/34 of the Indian Penal Code was taken and the petitioner was summoned to face trial.

5. Learned counsel for the petitioner has submitted that the entire allegation made in the FIR is absurd. According to him, it cannot be imagined that after more than two years of marriage the husband and his relatives would have demanded dowry.

6. Be that as it may, the allegations made in the FIR clearly attract the ingredients of the offences punishable under Sections 498-A and 406/34 of the Indian Penal Code. The witnesses examined

during investigation have supported the case and the police have found the allegations to be true and accordingly submitted report under Section 173(2) CrPC.

7. Regard being had to the evidence collected during investigation, the learned Chief Judicial Magistrate has taken cognizance of the offence. I find no illegality in the order impugned. Accordingly, the application, being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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