

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28032 of 2016

Arising Out of Complaint .Case No. -13166 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE
District- BEGUSARAI

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1. Ramanuj Kunmar son of Late Ram Balak Kunmar, resident of village Binodpur, Police Station- Singhaul, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rani Devi w/o Ramanuj Kunmar, Resident of village-Binodpur, Police Station- Singhaul, District-Begusarai, at present resident of Mohalla-Lohiya Nagar, Police Station-Nagar, District-Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 01-08-2016

Heard both sides.

The petitioner has filed this petition for quashing the order dated 07.12.2015 passed in Complaint case No. 13166 of 2014 by the learned Sub-divisional Judicial Magistrate, Begusarai by which the learned court has found prima facie case under Section 498A of the IPC and directed to issue summons.

The brief facts of the case are that the complainant, Rani Devi, filed the complaint case stating therein that she was married to the petitioner about five years ago but petitioner assaulted her and drove her out from the house. The petitioner demanded money for establishing a business.

It is submitted that petitioner is not the husband of complainant. There is no evidence to show that petitioner is the husband and no witness during the course of enquiry stated that the petitioner is husband of the complainant but the learned Sub-divisional Magistrate found prima facie case, therefore, the order is bad.

The complainant has stated in her evidence that she was married to the petitioner five years ago. The petitioner demanded money and drove her out from the house. C.WI has also reiterated the same facts. The court below is only to see as to whether prima facie case is made out or not after enquiry at the time of passing order under Section 204 of the Code of Criminal procedure. Therefore, I do not find any force in the submission that there is no evidence of marriage of the petitioner with the complainant.

Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

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