

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16472 of 2016

Arising Out of PS.Case No. -38 Year- 2013 Thana -BUXAR COMPLAINT CASE District- BUXAR
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1. Govind Jee @ Govind Seth Son of Laxmi Seth
2. Laxmi Prasad Seth @ Laxmi Seth Son of Late Parashuram Seth
3. Lakhmuna Devi @ Laxmini Devi W/O Laxmi Prasad Seth @ Laxmi Seth
4. Rani Devi W/O Govind Jee @ Govind Seth
5. Vishwanath Verma @ Vishwanath Son of Laxmi Prasad Seth @ Laxmi Seth
All resident of village- Thatheri Bazar, Buxar, P.S.- Buxar (T), District-
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Suman Devi D/O Badri Nath Seth Resident of Village- Teacher Colony,
Charitraban Buxar, P.S. Buxar (T), District- Buxar.

.... Opposite Party/s
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Appearance:

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.
For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-08-2016 Heard both sides.

The petitioners filed this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 26.08.2013 passed in Complaint Case No. 38(C)/2013, corresponding to Tr. No. 1739/2013, by which the learned Sub Divisional Judicial Magistrate, Buxar found *prima facie* case under Section 498(A) of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act to proceed against the petitioners.

Learned counsel for the petitioners submits that no case is made out. The order taking cognizance against the petitioners is bad and illegal. The complainant has made her

husband and all other family members as accused in the case.

It appears from perusal of the order sheet that the petitioners are husband, mother-in-law, father-in-law, sister-in-law and brother-in-law of the complainant. They are close relatives. The learned Judicial Magistrate after appreciating the evidence found prima facie case U/S 498(A) of the Indian Penal Code on 26.08.2013. The petitioners appeared in the court and only after about three years, filed petition for quashing the aforesaid order dated 26.08.2013. On this ground alone that quashing petition is filed after inordinate delay. I do not find justifiable reason to interfere in the order impugned. Accordingly, this petition is dismissed.

Dilip/-

(Prabhat Kumar Jha, J)

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