

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19176 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -DARBHANGA SADAR District- DARBHANGA

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Shekhar Kumar, Son of Ramchandra Paswan, Resident of Village + Post - Kabirchak, P.S. Sadar, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Neelam Bharti, Wife of Sri Shekhar Kumar, D/o Bhola Paswan Resident of Village - Kabirchak, P.S. -Sadar, District - Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Vikram Deo Singh, Advocate.
	Mr. Ajay Kumar Verma, Advocate.
For the Opposite Parties	: Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-08-2016 Heard both sides.

The petitioner filed the petition under Section 482 Cr.P.C. for quashing the order dated 16.01.2016, by which cognizance under Sections 341, 323 and 498(A) of the Indian Penal Code was taken. The informant, in Darbhanga Sadar P.S. Case No. 5 of 2015, alleged that her husband assaulted her and her brother.

The police after investigation submitted final form finding her case true and on perusal of the records the learned Judicial Magistrate found prima facie case is made out and took cognizance under Sections 341, 323 and 498(A) of the Indian Penal Code.

Shri Vikram Deo Singh, learned counsel for the petitioner submits that there is no allegation of demand of dowry. Some altercation took place between the husband and the wife. The petitioner is still ready to keep his wife.

It appears that the learned Judicial Magistrate has taken cognizance after perusing the records and on the face I find no illegality.

Accordingly, the petition for quashing the order dated 16.01.2016 is dismissed as devoid of any merit.

However, if the petitioner is willing to compromise the case with his wife and any such petition is filed, the learned court below shall make efforts for resolution of the dispute between husband and wife.

(Prabhat Kumar Jha, J.)

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