

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.546 of 2016

Arising Out of PS.Case No. -677 Year- 2012 Thana -JEHANABAD COMPLAINT
CASE District- JEHANABAD

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1. Pradeep Kumar @ Pradeep Kumar Verma, Son of Sri Rajendra Prasad, resident of Village- Deep Nagar, P.S.- Deep Nagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

2. Gudia Kumari @ Kanchan Kumari, daughter of Lakhan Prasad, presently resident of Village- Kako, P.S.- Kako, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar-II (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 01-12-2016 Heard the parties.

This application, under Section 482 of the Code of Criminal Procedure, has been filed seeking quashing of the order taking cognizance, dated 20.05.2013, passed by the learned Sub-Divisional Judicial Magistrate, Jehanabad, in Complaint Case No. 677 of 2012. The petitioner also seeks quashing of the entire prosecution, arising out of said



complaint case, registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner has submitted that the petitioner and opposite party No. 2 married in the year 2006 and since 2007, opposite party No. 2 residing at her parent's home (Mayeka). He has submitted that lodging of the complaint case is an abuse of the process of the Court.

At the same breath, it also been submitted that the petitioner is ready to settle the dispute and keep opposite party No. 2 with all love and dignity.

The stand taken on behalf of the petitioner lacks *bona fide* inasmuch as it has also been argued that opposite party No. 2 is living in adultery and a divorce petition has already been filed by the petitioner in the court of learned Principal Judge, Family Court, Patna, before lodging of the said complaint case.

It has lastly been submitted that the petitioner is ready for one time settlement, if the petitioner and opposite party No. 2 do not decide to live together. Such plea is available to him in the divorce case, which is said to be pending in the court of learned Principal Judge, Family Court, Patna.

The petitioner has not been able to make out a



case for quashing of the complaint case, since the allegations do constitute offences punishable under Section 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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