

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10505 of 2016

Arising Out of PS.Case No. -16 Year- 2014 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

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Vishal Kumar @ Ram Babu Ray Son of Jagdish Ray

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey, Advocate

For the Opposite Party/s : Mr. Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2016

Heard learned counsel for the petitioner and learned

APP for the State.

The present application has been filed for quashing of the First Information Report of Vaishali Mahila P.S. Case No.16/2014 registered under Sections 498A, 406, 323, 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture and making assault for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner being husband of the informant that with frivolous accusation the First Information Report has been lodged. In fact, the informant is not ready to resume the conjugal life.

It is submitted by learned counsel for the informant that with similar prayer of quashing of the FIR, the parents,

brothers and brother's wife of the petitioner preferred Cr.W.J.C. No. 649/2015 and the same has been dismissed by a co-ordinate Bench of this Court holding that *prima facie* the accusation attracts the ingredients of cognizable offence.

Under the circumstances, this Court is not inclined to interfere into the matter at this juncture.

Accordingly the application is disposed of with liberty to the petitioner to raise all the contentions on submission of final report under section 173(2) of the Cr.P.C, if already not submitted.

(Dinesh Kumar Singh, J)

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