

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.842 of 2015

Arising out of P.S. Case No. 178, Year 2014, Thana Kharagpur, District- MUNGER

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1. Deo Narayan Thakur, son of late Ganesh Thakur
 2. Bindu Devi, w/o Deo Narayan Thakur
 3. Rinku Thakur, son of Deo Narayan Thakur
 4. Guddi Devi @ Namita Devi, w/o Rinku Thakur
 5. Tinku Thakur @ Mithilesh Kumar Thakur, s/o Deo Narayan Thakur
 6. Lata Devi, w/o Tinku Thakur @ Mithilesh Kumar Thakur
- All resident of Dharia Dih, P.S.- Giridih Town, District- Giridih (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Vinita Devi, d/o Bipin Bihari Thakur, resident of Haveli Kharagpur, P.S. Haveli Kharagpur, District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarweshwar Tiwary, Adv.
Mr. Subodh Kumar Jha, Adv.

For the State : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-07-2016

Heard Mr. Subodh Kumar Jha, learned counsel for the
Petitioner and Mr. Ajay Kumar Jha, learned Additional Public
Prosecutor for the State.

By way of present application preferred under Articles
226 and 227 of the Constitution of India, the petitioners seek quashing
of the First Information Report of Kharagpur P.S. Case No. 178 of
2014 dated 6.8.2014 registered under Section 498A Indian Penal Code
and Section 4 of Dowry Prohibition Act, pending before the learned
Sub Divisional Judicial Magistrate, Munger.

I have heard learned counsel for the petitioners and

perused the First Information Report of Kharagpur P.S. Case No. 178 of 2014 as contained in Annexure-8 to the present application. The allegations made in the F.I.R. do attract ingredients of the offence punishable under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act. Learned counsel for the Petitioners has referred to several documents which have been brought on record in order to substantiate his defence that the F.I.R. has been instituted maliciously. However, the defence of the petitioners cannot look into by this Court at this stage.

As recorded above, the F.I.R. was instituted on 6.8.2014 and since then more than one year has elapsed. On query made by the Court, learned counsel for the petitioners has expressed his inability to apprise this Court about the present status of investigation.

In view of the allegations made in the F.I.R., which prima facie constitute ingredients punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, I am not inclined to accede to the prayer of the petitioners.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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