

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2764 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -SAHJAHANPUR District- PATNA

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Suman Prakash Chaudhary Son of Madan Mohan Choudhary, resident of
village- Maksudpur, P.S.- Shahjahanpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Abha Kumari, Daughter of Anil Choudhary, East Lohanipur, Saraswati
Lane, P.S. + P.O.- Kadamkuan, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Kumar Mritunjay Narain, Advocate.
For the Opposite Parties : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-08-2016 Heard both sides.

The petitioner filed this petition under Section 482 Cr.P.C. for quashing the order dated 24.04.2015 passed in Shajahpur P.S. Case No. 5 of 2014 by the Additional Chief Judicial Magistrate, Patna City, Patna whereby the Additional Chief Judicial Magistrate, Patna City, Patna took cognizance of the offence under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The facts relevant for the disposal of the case are that the informant, wife of the petitioner lodged Shajahpur P.S. Case No. 5 of 2014 alleging therein that she was married to Suman



Prakash Chaudhary, the petitioner on 17.05.2013. Immediately after marriage the husband, brother of the husband, father, mother and other relatives began to demand a flat and a car. She further alleged that her husband behaved cruelly with her but thereafter her husband left her. The police after investigation submitted final form and the learned Additional Chief Judicial Magistrate, Patna City, Patna after perusing the records found prima facie case and took cognizance under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act against the petitioner.

Learned counsel for the petitioner submits that the informant was earlier married to someone else. The petitioner has annexed photographs Annexure-2 series, which shows that the informant was married to someone else and this fact was concealed from the petitioner and marriage of the informant was solemnized with the petitioner. When the petitioner knew about the facts he refused to keep his wife. It is further submitted that the petitioner never demanded any dowry nor tortured his wife. There is no sort of allegation against the petitioner.

It appears that the police after investigation found the case true against the petitioner under Section 498A and other Sections of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. On perusal of materials available on record the

learned Additional Chief Judicial Magistrate, Patna City, Patna took cognizance under the aforesaid Sections vide order dated 24.04.2015. The fact of earlier marriage of the informant has not been stated and on this ground the order of taking cognizance is not vitiated. No illegality is found in the order impugned.

Considering the facts aforesaid, the quashing petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J.)

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