

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38573 of 2013

Arising Out of PS.Case No. -902 Year- 2012 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Yamuna Singh, Son of Mahendra Singh, Resident Of Vill- Punwas, Police Station-
District - Buxar

.... Petitioner/s

Versus

1. State of Bihar
2. Ritu Devi, Wife of Yamuna Singh, Daughter of Indradeo Singh Present Residing
At Mukundera (Parasi), Police Station- Itarhi, District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the parties.

2. This quashing petition is directed against the order dated
18.04.2013 passed against the petitioner by the learned Sub Divisional
Judicial Magistrate, Buxar in complaint case No. 902 of 2012
whereby cognizance has been taken under Section 498A of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that marriage
was solemnized eight years back, the husband is always ready to keep
his wife and she too was ready to live together accordingly
compromise petition was drafted, but the father-in-law of the
petitioner put a condition that unless some lands are transferred in the
name of his daughter, there would not be any compromise, due to this



reason, compromise failed. However, the allegations levelled in the complaint did not constitute any offence under Section 498A of the Indian Penal Code against the husband.

4. Learned counsel appearing on behalf of the O.P. No. 2 submits that the allegation do constitute offence under Section 498A of the Indian Penal Code and also during enquiry, witnesses have supported it.

5. Having considered the submissions of both the sides and on perusal of record, I find that there is specific allegation against the petitioner of torturing and harassing the complainant for coercing her to bring more dowry from her parents and failure to reach compromise for any reason cannot be a ground to interfere in the cognizance order. So there is no ground for interfering with the cognizance order at this pre-trial stage. This quashing petition stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.07.2017
Transmission Date	13.07.2017

