

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1930 of 2014

Arising Out of PS.Case No. -499 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Amar Nath Mishra, s/o late Brij Kishore Mishra
2. Imiriti Devi @ Amriti Devi, w/o Amar Nath Mishra
Both resident of village- Khokhara, P.S- Kalyanpur, District- East Champaran
Presently residing at Mohalla Pankha Toli, P.S- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari, w/o Devendra Kumar Mishra, D/O Sri Modnath Jha, resident of village- Shahi Minapur, P.S- Aurai, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 12.12.2012 passed by the learned Sub Divisional Judicial Magistrate, East Muzaffarpur, in Complaint Case No. C-499 of 2012, Trial No. 2047 of 2013, by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offences under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. The complainant alleged in the complaint petition that her marriage was solemnized with son of the petitioners namely



Devendra Nath Mishra on 9.7.2008. After marriage the parents of the informant has given several articles as gift including cash and ornaments etc. It is alleged that after marriage the informant lived in her sasural happily but after one month of the marriage, the accused persons made further demand of motorcycle, colour T.V and cash of Rs.75,000/- in dowry. The complainant was abused and tortured by the accused persons when the aforesaid demand was not fulfilled and ultimately she was ousted from her matrimonial house. The complainant was blessed with a male child on 15.09.2009 after the marriage. It is further alleged that accused persons tried to burn her after pouring k.oil on her body but, on alarm raised by the complainant, the neighbours assembled, and complainant could manage to save her life.

3. None appeared on behalf of the petitioners to argue the case.

4. From the office notes it appears that this application was earlier dismissed for non-compliance of the Court's order dated 17.1.2014. Subsequently, vide order dated 10.09.2014 passed in Cr. Misc. 37061 of 2014, this Cr. Misc. application has been restored.

5. From perusal of the impugned order dated 12.12.2012, this Court finds that the court below has after holding



enquiry on the basis of Solemn Affirmation of the complainant and statement of enquiry witnesses, found *prima facie* case against the petitioners for the offence under Section 498A of the Indian Penal Code and Section 3 of Dowry Prohibition Act.

6. The court below is only required to see *prima facie* case at the time of holding enquiry.

7. Therefore, this Court does not find any illegality in the impugned order.

8. This Cr. Miscellaneous application is accordingly dismissed.

9. The petitioner is given liberty to raise all the points as raised in this petition at the time of framing of charge which shall be disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23/11/2017
Transmission Date	23/11/2017

