

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31014 of 2013

Arising Out of Complaint Case No. -462 Year- 2012 Thana -MUNGER COMPLAINT CASE
District- MUNGER

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Shailesh Kumar, S/O Luxman Prasad Singh, resident of Gita Niwas, Holding No. 2284, Street No. 4, Bihari Colony, P.S- Sahadra, Distt- Gajiyabad, New Delhi- 32

.... Petitioner

Versus

1. The State of Bihar
2. Amita Kumari, W/O Sailesh Kumar, D/O Ashok Mandal, resident of village/ Mohalla- Patelnagar, Madhopur, P.S- Kotwali, Distt- Munger.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Swapnil Kumar Singh, Advocate.
For the State : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-01-2017

Heard learned counsel for the Petitioner and the State.

2. The Petitioner seeks quashing of the order dated 18.5.2013 passed in Complaint Case No. 462 of 2012 by which the learned Sub Divisional Judicial Magistrate, Munger, took cognizance against the petitioner who is the husband of the complainant for the offence under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

3. It has been submitted by the learned counsel for the petitioner that by order dated 30.8.2016 decree of divorce has been granted by the Principal Judge, Family Court, Bhagalpur, in Matrimonial Case No. 117 of 2013.



4. The counsel for the complainant has appeared. He has stated that against the aforesaid order the complainant has filed M.A. No. 1294 of 2016 in this Court which is pending. He has further submitted that petitioner is committing continuous torture with her despite promise to take her with full dignity and care but in vain.

5. In such circumstances, from perusal of the allegation in the complaint petition and impugned order, this Court finds that the learned Magistrate after looking into the Solemn Affirmation of the complainant and the statement of other witnesses recorded in the case, found prima facie case against the petitioner who is the husband of the complainant for the offence under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

6. As such this Court does not find any illegality in the impugned order.

7. The application stands dismissed.

(Sanjay Priya, J)

S.Ali/-

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