

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42426 of 2013

Arising Out of PS.Case No. -82 Year- 2010 Thana -DUMRA District- SITAMARHI

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Surendra Paswan Son Of Yogendra Paswan R/O Village-Chakka Rasalpur, P.S.-
Dumro, Distt-Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. Rina Devi Wife Of Surendra Paswan, resident of at present village- Chakka
Rasalpur, P.S.-Dumra, Distt-Sitamarhi, daughter of Shoumendra Paswan
Resident Of Village-Parsauni, P.S. Dumra, Distt-Sitamarhi

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-04-2017

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for quashing the order dated 31.07.2013 passed by the learned Sub Divisional Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 82 of 2010 registered under Sections 498-A, 494, 323, 504/34 of the Indian Penal Code (for short 'IPC') whereby cognizance has been taken against the petitioner for the offences punishable under Sections 498-A, 494, 323, 504 of the IPC.

2. From a bare perusal of the FIR, it would be evident that there is allegation against the petitioner that he



subjected his wife to cruelty for non-fulfilment of demand of dowry and even without obtaining any decree of divorce, he married another lady.

3. Allegations made in the FIR were found to be true during investigation and accordingly, the police submitted charge-sheet against him for the offences punishable under Sections 498-A, 494, 323, 504 of the IPC.

4. On perusal of the allegation made in the FIR, the statements of witnesses recorded under Section 161(3) of the Cr.P.C. during investigation and the police report submitted under Section 173(2) of the Cr.P.C., the Magistrate found a *prima facie* case to be made out against the petitioner and summoned him to face the trial for the offences punishable under Sections 498-A, 494, 323, 504 of the IPC.

5. I see no illegality in the impugned order. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2017
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