

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40697 of 2013

Arising Out of PS.Case No. -155 Year- 2012 Thana -COMPLAINT CASE District- SUPAUL

- =====
1. Salman Khan Son Of Ayub Khan
 2. Kayum Khan Son Of Ayub Khan Resident Of Village - Marauna, P.S.- Marauna, District- Supaul
 3. Aub Khanm son of Late Higan Khan, all are resident Of Village - Marauna, P.S.- Marauna, District- Supaul

.... Petitioner/s

Versus

1. State Of Bihar
2. Asma Khatoon Daughter Of Daulat Khan Resident Of Village - Bairo, P.S. + District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman
For the Opposite Party/s : Mr. Prem Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 17-04-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 31.07.2012, passed by Sub-Divisional Judicial Magistrate, Supaul, in C.R. 155 (C) of 2012, whereby cognizance has been taken against the petitioners for the offences under section 498A of the Indian Penal Code.

The contention of the learned counsel for the petitioner is that no offence against the petitioner is disclosed and the present prosecution has been instituted with mala fide



intention for the purposes of harassment. Learned counsel submits that petitioner gave divorce to Asma Khatoon for which a Panchayati was held and necessary documentation was done. Petitioner also paid the Den Mohar and Iddat Expence. Learned counsel has pointed towards various documents in support of his contentions.

Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by learned counsel for the petitioner. The submissions made by the learned counsel for the petitioner calls for adjudication on pure questions of fact which may be adequately adjudicated by the trial Court. I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under section 482 Cr.P.C.

This application is, accordingly, dismissed. However, the petitioner would be at liberty to raise his defence in the trial Court at appropriate stage.

(Arvind Srivastava, J)

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