

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2408 of 2015

Arising Out of PS.Case No. -2396 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Sanjeet Kumar Giri son of Ramanand Giri resident of village - Bathua
Bujurg, P.S. Musrigharari, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Kumari daughter of Ramdeo Bharti, resident of village - Deopura,
P.S. Naokothi, District - Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anuradha Singh, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-03-2017 Heard both sides.

The petitioner filed this petition for quashing the order dated 04.07.2014 by which the learned Sub-Divisional Judicial Magistrate, Begusarai found prima facie case under Section 498A and 323, 379 and 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act to proceed against the petitioner.

The complainant/wife of the petitioner filed complaint case making allegation that she was married to the petitioner on 08.06.1991 and at the time of marriage, her parents gifted ornaments and other articles including money, but



immediately after marriage, her husband began to demand motorcycle. Her husband and other in-laws began to torture her. On such, the complainant filed complaint petition. Complainant was examined and she also examined three witnesses in support of her case.

Learned Sub-Divisional Judicial Magistrate, Begusarai after perusing the materials and the evidence collected during the course of enquiry, found prima facie case under Sections 498A, 323, 379 and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act vide order dated 04.07.2014.

Learned counsel for the petitioner assailed the order on the ground that no material is available to find prima facie case against the petitioner under Section 498A and other sections of the Indian Penal Code. The husband of the complainant is suffering from first stage of cancer and that is why he is unable to maintain his wife. The petitioner filed matrimonial case for restitution of conjugal rights which is still pending and thereafter, the petitioner filed divorce case, but on perusal of the records, I find that the submissions of the learned counsel for the petitioner is not at all acceptable, as the Sub-Divisional Judicial Magistrate, Begusarai has found after perusing the material on records, sufficient



materials to proceed against the petitioner under Section 498A and other sections of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. There is no illegality in the impugned order.

I do not find any merit in this quashing petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

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