

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.330 of 2017

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1. Aalamghir Ansari Son of Alisher Ansari, Resident of Village- Narkatiya,
P.S.- Gopalpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rehana Khatoon , Daughter Md. Israfil, Present Resident of Village-
Fattepur, P.S.-Chanpatiya, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Respondent/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 09-05-2017 Heard learned counsel for the parties.

The petitioner seeks setting aside of the cognizance and
summoning order, dated 16.06.2016 passed by learned Sub
Divisional Judicial Magistrate, Bettiah, West Champaran in
Complaint Case NO. 502(C) of 2016. By the said order, the Court
below has taken cognizance of the offence punishable under
Section 498A of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioner has
submitted that lodging of the complaint case is malicious and only
for the purpose of countering petitioner's earlier complaint case
filed against the Opposite party No.2. This is not in dispute that



the petitioner is husband of Opposite party No.2.

On perusal of the complaint petition, I find that offence under Section 498A of the Indian Penal Code is made out. It is not the case of the petitioner that no offence under the said Section of the Indian Penal code and the provisions of the Dowry Prohibition Act is made out. What is being submitted on behalf of the petitioner is that the petitioner had filed a complaint case on 26.02.2016 against Opposite party No.2, whereas the present complaint case has been filed much thereafter on 16.03.2016. Further the complaint case has been filed after the petitioner filed an application for dissolution of marriage.

The grounds which have been taken in the present application are not good grounds for interfering with the impugned order taking cognizance and summoning the accused persons. The Court below has taken cognizance and summoned the accused persons on the basis of the contents of the complaint petition and the statement of the witnesses made in the enquiry.

The impugned order does not require interference.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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