

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.28367 of 2013**

Arising Out of PS.Case No. -1634 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-  
BHOJPUR

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Sunil Tiwary @ Sonu S/O Dadan Pati Tiwary Resident Of Village Secondary Road  
A, Zone Q. No. 7/16, P.S. Durgapur, District Durgapur.

.... .... Petitioner

Versus

1. The State Of Bihar.
2. Poonam Devi W/O Sunil Tiwary @ Sonu Tiwary D/O Haresh Tiwary Resident  
Of Village Bakari, P.S. Udwant Nagar, District Bhojpur.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Digvijay Ojha, Advocate  
For the Opposite Parties : Mr. Maya Shankar Mishra, Advocate  
For the State : Mr. Mushtaque Alam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 22-06-2017**

This application is directed against the order taking cognizance dated 24.1.2012 passed by Chief Judicial Magistrate, Ara in Complaint Case No.1634(C) of 2011. The cognizance has taken under Section 498A of the Indian Penal Code.

2. Learned counsel appearing on behalf of the petitioner submits that there appears vital contradictions in the allegations levelled in the complaint petition as well as in the statement given by the complainant on solemn affirmation. He further elaborates that the allegation against the petitioner/husband is that Rs.3,00,000/- was demanded by accused persons for getting his employment in the Railway whereas in statement given on oath the purpose of making



demand is for starting business. Further contention is that the court below has no territorial jurisdiction for taking cognizance of the offence as no part of the alleged offence was committed in complainant parent's house situated in village Bakari, P.S. Udwant Nagar, District- Bhojpur. He further submits that as far as brothers and father of the Sunil Tiwary are concerned, allegations against them are only general and omnibus in nature; in fact, the complainant herself had deserted the husband so he filed a divorce suit earlier thereafter present complaint case was filed by the wife.

3. Learned A.P.P. and learned counsel for the opposite party no.2 submitted that there is specific allegation of committing torture and harassment by all accused persons to the complainant for bringing of Rs.3,00,000/- from her parents. This is not the stage for considering contradiction, as far as territorial jurisdiction is concerned, the girl was married in the jurisdiction of Bhojpur and demand was being made right since the day of marriage and though she was living in Durgapur, West Bengal for some time after marriage she was left to her parental house by father-in-law when the demand was not fulfilled.

4. Having considered the rival submissions and on perusal of the allegation levelled in the complaint, it is apprent that the demand of further Rs.3,00,000/- and in that connection torture is



alleged to have been committed at Durgapur in West Bengal, but her father-in-law of complainant dropped her to her father's home at village Bakhri in District bhojpur as demand of more dowry was not realized. Though the act of torture and harassment in connection to bring more dowry is alleged to have been committed within a territorial jurisdiction of Durgapur but the fact remains that she was left by her father-in-law to her parental house on account of not weeping more demand of dowry by her parents and this part of the act is in continuation of the harassment and torture meted out to the complainant. So the allegations levelled in the complaint do make out a prima facie case under Section 498A of the Indian Penal code therefore there is no ground to interfere with the order taking cognizance by the court below.

5. Accordingly, this quashing petition is dismissed.

**(Arun Kumar, J)**

N.H./-

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