

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

**Criminal Miscellaneous No.22604 of 2017**

Arising Out of PS.Case No. -1098 Year- 2001 Thana -PURNIA COMPLAINT CASE District-  
PURNIA

- =====
1. Subodh Kumar Yadav son of Late Laxmi Narayan Yadav, resident of Mohalla- Navratan Hatta, P.S.- K.Hat, District- Purnia.
  2. Asha Devi wife of Late Arjun Yadav, resident of village- Bathnaha, P.S.- Jankinagar, District- Purnia.
  3. Geeta Devi wife of Santosh Yadav, resident of Mohalla- Madhubani Korathbari, P.S.- K.Hat, District- Purnia.
  4. Lakho Devi wife of Malik Prasad Yadav, resident of village- Maharaji P.S.- Jankinagar, District- Purnia.

.... .... Petitioner/s

**Versus**

1. The State of Bihar.
2. Neeta Devi, wife of Subodh Kumar Yadav, resident of village- Bathnaha, P.S.- Jankinagar, P.O.- Chopra Bazar, District- Purnia at present Mohalla- Navratan Hata Purnea, P.S.- K. Hat, District- Purnia.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate  
For the State : Mr. Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 05-12-2017**

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioners for quashing the order dated 04.04.2017 passed by the learned Judicial



Magistrate, 1<sup>st</sup> Class, Purnia in Complaint Case No.1098 of 2001 by which the application filed on behalf of the petitioners under Section 239 of the Cr.P.C. seeking discharge has been rejected.

2. It would be evident from perusal of the impugned order that the petitioners are alleged to have subjected the complainant to cruelty for non-fulfilment of demand of dowry. She has also alleged that the accused persons kicked her out of her matrimonial home after obtaining her signature on stamp paper.

3. A discharge petition was filed on the ground that the complainant was never married to the petitioner Subodh Kumar Yadav and in absence of proof of marriage, the accused persons cannot be charged for the offence punishable under Section 498A of the Indian Penal Code.

4. It would be manifest from the record that the complainant and the witnesses examined on behalf of the complainant have supported the allegations made in the complaint in their deposition made under Section 244 of the Cr.P.C. The court below upon consideration of the record and after hearing the submissions of the accused persons and the complaint found sufficient ground for proceeding against the petitioners.

5. Having regard to the facts and circumstances of the case and in absence of any other cogent legal ground having been



advanced before this Court, I see no illegality in the order impugned.

6. The application, being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J)**

Md.S./-

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