

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44206 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Ashok Kumar Sharma, son of Sri Yugal Mistri.
 2. Yugal Mistri, Son of Lae Lakhan Mistri.
 3. Raj Kumari Devi, Wife of Sri Yugal Mistri.
 4. Pintu Mistri.
 5. Savita Devi.
 6. Asha Devi, 4 to 6 are son and daughter of Sri Yugal Mistri, All are resident of Village- Khushalur, P.S.- Telhara, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suvidha Devi, Wife of Ashok Kumar Sharma, Resident of Khulalpur, P.S. Telhara, District Nalanda, at present resident of Village- Chandaul, P.S. Hilsa, Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 04-04-2017

Heard learned counsel for the petitioners and the learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 07.04.2007 passed in Complaint Case No. 150(C) of 2007, whereby the learned Judicial Magistrate Ist Class, Hilsa, summoned the accused-petitioners, on inquiry, under Section 204 of Cr.P.C finding the prima facie case, under Sections 498(A), 323 and 325 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that



petitioners, are husband, father-in-law, mother-in-law, brother-in-law and married Nanad of complainant and they have falsely been implicated in this case with general and omnibus allegation.

4. On perusal of complaint petition, it appears that specific allegation has been made against husband, father-in-law, mother-in-law, brother-in-law and married Nanad of complainant about torturing the complainant due to non-fulfillment of demand of dowry. As such, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise their defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

