

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18675 of 2014

Arising Out of PS.Case No. -153 Year- 2012 Thana -PARSABAZAR District- PATNA

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Jyoti Ranjan Son of Raj Kishore Prasad R/o Village-Etwarpur, P.O.-Kurthaul, P.S.-
Parsa Bazar, District-Patna

.... Petitioner

Versus

1. The State of Bihar
2. Neha Devi @ Rinki Devi Wife of Jyoti Ranjan Kumar , D/o Ramanand Singh
At present resident of Mirchaiya Mandir, Budh Marg, Patna Gaya Road, P.S.-
Kotwali, P.O.-G.P.O., District-Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-06-2017

This petition under Section 482 of Cr.P.C. has been filed by the petitioner seeking indulgence of this Court to quash cognizance order dated 17.1.2013 passed in Parsa Bazar P.S. Case No.153 of 2012 by learned C.J.M., Patna whereby has taken cognizance of the offence under Section 498A/34 of I.P.C. and also under Section 3/4 of Dowry Prohibition Act.

2. Learned counsel appearing on behalf of the petitioner submits that it is a malicious prosecution as this case was filed after filing of divorce suit by this petitioner in the year 2012. Moreover, the opposite party no.2-wife is in



habit of filing frivolous cases of cruelty.

3. Learned counsel appearing on behalf of opposite party no.2 submits that it is fact in the year 2010, wife filed a case under Section 498A of I.P.C. against the husband but later on the matter was compromised therefore, the case was withdrawn in order to restore the conjugal life but after lapse of some time again started torturing and in the meanwhile, he also filed a case of divorce against her. Moreover, the same cognizance order was challenged earlier by another co-accused Rajkishore Pal, father-in-law of the wife but by order dated 19.12.2013 passed in Cr. Misc. No.39597 of 2013, a Co-ordinate Bench of this Court dismissed the petition and the present petitioner is the husband. The main allegation is levelled against him.

4. Having considered the rival submission of both sides and on perusal of the record, I find that police, on completion of the investigation, submitted charge sheet in this case against all accused including the petitioner moreover, the same cognizance order was challenged before this Court as referred by learned counsel for the petitioner and the same was dismissed.

5. Considering the entire material on record and



the said submissions, I do not find any merit in this quashing petition, accordingly, it is dismissed. Earlier the stay order dated 5.5.2014 passed by this Court is vacated and the trial court is directed to proceed with the trial.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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