

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2593 of 2014

Arising Out of PS.Case No. -300 Year- 2011 Thana -COMPLAINT CASE District- KISHANGANJ

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1.Sri Dev Harijan @ Sri Dev Prasad Harijan son of Ram Prasad Harijan,
2. Ram Prasad Harijan son of Late Balak Lal Harijan
3. Jageshwar Lal Harijan son of Ram Prasad Harijan all residents of
Dhantola Police Station Dighal bank, District- Kishanganj.

.... Petitioner/s

Versus

1. State of Bihar
2. Soni Devi wife of Sri Dev Harijan @ Sri Dev Prasad Harijan resident
of Dhantola Police Station- Dighal Bank at present resident of Punas P.S.
Kochadhaman, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Mayanand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 10-07-2017

Heard both sides.

The petitioner filed this petition under Section 482 of the Cr.P.C. for quashing the order dated 28.08.2012 passed in Complaint Case No. C-300 of 2012 by which the learned Sub-Divisional Judicial Magistrate, Kishanganj found prima facie case under Section 498 (A) of the Indian Penal Code to proceed against the petitioners.

The complainant filed complaint case No. C- 300 of 2012 alleging therein that she was married to the petitioner no. 1 on 13.05.2011 and she went to her Sasural but from day one of her marriage, the petitioners began to demand a motorcycle. Due to non-fulfillment of demand she was subjected to different sorts of torture. The complaint was filed on 02.03.2012 and the complainant was examined on 18.05.2012. The father and brother



of the complainant were examined on 26.04.2012 and 02.08.2012 respectively. The learned S.D.J.M, Kishanganj, after perusing the evidence of the complainant and her witnesses, found prima facie case to proceed against the petitioner under Section 498 (A) of the I.P.C. and directed the accused to appear.

The learned counsel for the petitioners submits that the wife has already solemnized second marriage in the year 2014 with Fekwalal Harijan and the continuance of the criminal proceeding is abuse of process of court but it appears that the complaint was filed on 02.03.2012 and the complainant has very categorically stated that the petitioner no. 1 the husband of the complainant and others, petitioner no. 2 and 3 have subjected her to torture for non-fulfillment of demand of dowry. The witnesses also stated the same facts. The learned S.D.J.M., Kishanganj, after perusing the evidences of the complainant, found prima facie case u/S 498 (A) of the I.P.C. No illegality in the order impugned is pointed out. Therefore, I do not find any illegality in the impugned order finding prima-facie case under Section 498 (A) of the I.P.C against the petitioners.

Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

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