

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19882 of 2014

Arising Out of PS.Case No. -26 Year- 2013 Thana -MAHILA P.S. District- PURNIA

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1. Ajay Thakur @ Ajay Kumar Thakur Son of BhagwanThakur Resident of village-
Abdulla Nagar (Anand Nagar), Bellauri, P.S- Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Thakur Wife of Ajay Thakur daughter of Manmohan Thakur R/o
Khushkibag, Milanpara, P.S- Sadar, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Nisha Singh
For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-07-2017

This is an application under Section 482 of the Code of Criminal Procedure praying therein to quash the order dated 02.01.2014 passed by the learned Chief Judicial Magistrate, Purnea in Mahila P.S. Case No. 26 of 2013. The learned Magistrate, as per the impugned order, took cognizance under Sections 498-A, 494 and 506/34 of the Indian Penal Code against the petitioner.

2. Heard both sides.

3. The petitioner is the husband of the Opposite Party No. 2, who lodged an F.I.R. with S.H.O. of Mahila Police Station alleging therein that her husband used to torture her since the date of marriage i.e. on 10.12.1999. Her husband established physical relation with a lady, namely, Kalpana Singh @ Anchal @



Shushmita with whom he subsequently married and she resides in another house constructed by her husband. Her husband has entered into an illegal agreement with several people by committing forged and forgery in the name of the complainant. The matter was investigated by the police, who submitted charge-sheet against the petitioner. The learned Chief Judicial Magistrate after going through the materials in case diary found prima facie case under Sections 498-A, 494 and 506/34 of the Indian Penal Code and accordingly, took cognizance against the petitioner. The defence of the petitioner that he acquired several properties in the name of his wife to show the happy conjugal life with the complainant has to be considered at the time of trial. The Magistrate rightly took cognizance on the basis of materials in case diary. At this stage, the defence of the petitioner cannot be taken into consideration.

4. In view of the discussions made above, I do not find any merit in this application. This Criminal Miscellaneous Application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
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