

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34505 of 2014

Arising Out of PS.Case No. -846 Year- 2007 Thana -SIWAN COMPLAINT CASE District- SIWAN

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1. Krishna Mohan Singh S/o Suresh Singh Resident of Village Khemadei, P.S. Lar, District Deoriya, Uttar Pradesh. At present Mohalla Suba Bazar Colony, Beside Gas agency, P.O. Suba Bazar, P.O. Khorabar, District Gorakhpur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rachna Devi W/o Krishna Mohan Singh Resident of Village Khemadei, P.S. Lar, District Deoriya, Uttar Pradesh. At present D/o Harishchandra Singh, Village Belwasa, P.S. Aander, P.O. Hussainganj, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Mr. Ranjeet Kumar
For the Opposite Party No. 2	:	Madhuri Lata
For the State	:	Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-08-2017

This application under Section 482 Cr.P.C. has been filed to quash the order dated 24.08.2007 passed by the learned S.D.J.M, Siwan in Complaint Case No. 846 of 2007 whereunder the petitioner was summoned to face the trial for the offence under Sections 498-A and 323 of the I.P.C.

2. Heard the learned counsels for the petitioners, A.P.P. for the State and Opposite Party No. 2.

3. The Opposite Party No. 2 was married with this petitioner on 04.03.2003. It has been alleged that on the date of marriage itself, her in-laws demanded motor-cycle or a cash amount



of Rs. 50,000/- at the time of Bidai. On that date, the matter was pacified by the local people and the complainant came at the place of her husband. The complainant was blessed with a son in the year 2004. She has further alleged that her husband and in-laws used to torture and assault the complainant and lastly, ousted her from the matrimonial house.

4. It has been submitted that the petitioner was allowed provisional anticipatory bail by the learned Sessions Judge, Siwan on 23.01.2008 in A.B.P. No. 1007 of 2007 as the matter was settled between the parties. The complainant is ready to settle the differences and also ready to keep the complainant with full honour and dignity. The allegation of torture is vague and so, the impugned order taking cognizance is fit to be quashed.

5. The learned counsel for the Opposite Party No. 2 as well as the learned A.P.P. for the State opposed the submissions.

6. This petitioner admittedly is the husband of the complainant. The complainant has alleged that since the time of marriage, he started torturing the complainant as his demand was not fulfilled. The complainant at the time of enquiry has supported the allegation in her statement given on solemn affirmation. She further examined three more witnesses, who all supported the allegation of torture. The learned Magistrate finding prima facie case for the



offence under Sections 498-A and 323 of the Indian Penal Code has summoned the petitioner. The petitioner was allowed bail on 23.01.2008 in A.B.P. No. 1007 of 2007 and subsequently, his bail bond was cancelled. The case is pending for appearance of this petitioner and other co-accused.

7. In view of the above fact, I do not find any merit in this application requiring any interference under inherent jurisdiction under Section 482 of the Code of Criminal Procedure. This application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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