

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19619 of 2014

Arising Out of PS.Case No. -2630 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Md. Sanowar Son of Md. Sahadat resident of Village Ballia Parwal Tola, P.S-
Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Laila Khatoon W/o Md. Sanowar Resident of village Ballia Parwal Tola, P.S-
Ballia, District Begusarai at present address D/o Md. Yunus, Resident of Village
Taliya Fatahpur, Ward no. 14, PS- Ballia, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 14-07-2017

The petitioner seeks quashing of order dated 01.10.2013
passed by Sub Divisional Judicial Magistrate, Begusarai in
complaint case No. 2630 C of 2012 whereunder cognizance for the
offence under Section 498A, 379/34 of the I.P.C. and Section 4 of
Dowry Prohibition Act was taken against the petitioner.

2. Heard both sides.

3. The facts in brief is that the O.P. No. 2 filed a complaint
case on the file of C.J.M. alleging inter alia that her husband used to
torture and assault her in connection with demand of one lac Rs. for
purchasing embroidery machine. The demand was not fulfilled and
in consequence of which she was ousted and her husband married



another lady.

4. The learned counsel for the petitioner submits that the case has been compromised and the O.P. No. 2 is residing with this petitioner. The allegation of torture and demand is omnibus and no offence under the aforesaid sections is made out. The O.P. No. 2 has sweared an affidavit before notary public to this effect. The copy of affidavit has been annexure as Annexure-3 of this petition.

5. On going through the impugned order and annexures, I find that at the time of enquiry, the complainant and her witnesses have supported the allegation of torture, assault and demand of dowry. The learned Magistrate finding prima facie case has rightly taken cognizance against the petitioner.

6. In view of above facts, I do not find any illegality in the order taking cognizance. This Criminal Miscellaneous Application is accordingly disposed of with a direction that if, the petitioner takes plea of compromise with the O.P. No. 2, the same shall be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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