

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38365 of 2014

Arising Out of PS.Case No. -3819 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

- =====
1. Jitendra Kumar @ Jitendra Prasad Son of Chhattul Prasad
 2. Chhattul Prasad, Son of late Ram Vilash Prasad alias Ram Kailash Prasad
 3. Devkali Devi Wife of Chhattul Prasad

All are residents of Mohalla Ward No. 13 Sultan Pokhar, P.S. Farbisganj, District- Araria, at present village + P.O. - Gopur, P.S. - Garkha, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi, W/o Jitendra Kumar alias Jitendra Prasad, Resident of Mohalla Ward No. 03, Sultan Pokhar Farbisganj, P.S. - Farbisganj, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 25-08-2017

Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the O.P. No. 2 and the State.

2. The petitioners seeks quashing of the cognizance order dated 27.05.2013 passed by the learned S.D.J.M., Araria in connection with Complaint Case No. C-3819 of 2012 where he has taken cognizance of offence under Section 498A of the Indian Penal Code.

3. Learned counsel for the petitioners submits that complainant O.P. No. 2 was married with the petitioner no. 1 in the year 2001 and complaint was filed in the 2012 only after receiving



notice in a divorce suit filed by the husband. He further submits that complainant is still residing in the matrimonial home, she has also filed a case under the Domestic Violence Act and the present prosecution case is malicious in nature only with intention to grab the house of the petitioners situated in Araria Town.

4. Contrary to the submission, learned counsel for the O.P. No. 2 submits that there is specific allegation of committing cruelty and harassment against the petitioners in connection with demand of further dowry and she has filed also a case under the Domestic Violence Act.

5. Having considered the rival submissions and on perusal of record, this Court finds no error in the order taking cognizance by the court below as it is not the case that the allegation levelled in the complaint does not disclose the offence. So this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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