

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46166 of 2014

Arising Out of PS.Case No. -168 Year- 2012 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Javed S/o Md. Anwarul resident of village - Sansbaria, P.S. Bisfi, District –
Madhubani Petitioner/s

Versus

1. The State of Bihar
2. Chandani Khatoon, W/o Md. Javed, resident of village - Sansbaria, P.S. Bisfi,
District – Madhubani Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner is the husband of opposite party no. 2.
He is denying his marriage with opposite party no. 2 but when an
enquiry was conducted pursuant to the order dated 04.09.2013 passed
in Cr. Misc. No. 23751/2013, the learned court below has come to a
conclusion that marriage between the petitioner and the opposite party
no. 2 had taken place though the learned court has not gone into the
legality and validity of the said marriage.

3. Learned counsel for the petitioner has assailed the said
enquiry report. Learned counsel submits that there is no basis for
arriving on the conclusion reached by the court below in the said
enquiry report and, therefore, it is a fit to be quashed.

4. On the other hand, learned A.P.P. representing the State



submits that the enquiry report, which has been assailed in the present case, is not in the nature of a declaration in a civil suit and the petitioner, if so desires, can always challenge his marriage, legality and validity thereof by filing an appropriate suit in a competent civil court but there is no reason why this Court will interfere with the said enquiry report in exercise of its power under Section 482 Cr.P.C.

5. On perusal of the records I find that the order dated 04.09.2013 in Cr. Misc. no. 2375/2013 was passed for a limited purpose as the allegation against the petitioner was that he had established physical relationship with the complainant and subsequently married her but after marriage, he tortured the complainant and started demanding dowry. The enquiry was only for the said purpose and, according to this Court, has a limited effect for the purpose of the said order.

6. This Court is not inclined to interfere with the finding in the enquiry report which has been prepared pursuant to the direction of this Court in another proceeding.

7. The application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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