

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19281 of 2017

Arising Out of Complaint Case No. -1192 Year- 2011 District- PATNA

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1. Ambika Singh @ Birendra Singh, son of Shyamnandan Singh,
2. Sumitra Devi, Wife of Ambika Singh @ Biendra Singh,
Both resident of Village- Harirampur, P.S.- Rani Talab, P.O.- Rajipur, District-
Patna, at present Paliganj Government Bus Stand, Paliganj, Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Rekha Kumari @ Rekha Devi, wife of Sri Ravi Kumar, daughter of Sri Vimal
Kumar, resident of Village- Nirakhpur, P.S.- Paliganj, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Md. Imteyaz Ahmad, Advocate
Mr. Ritwaj Raman, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-11-2017

Heard learned counsel for the petitioners and learned
counsel for the State.

This application under Section 482 of the Code of
Criminal Procedure (for short 'Cr. P.C.') has been filed by the
petitioners for quashing of the order dated 24.03.2017 passed by the
learned Sub-divisional Judicial Magistrate, Danapur in Complaint
Case No.1192(c) of 2011 by which he has rejected the petition filed
by the petitioners under Section 245 of the Cr. P.C.

The petitioners along with others were summoned to



face trial for the offences punishable under Sections 498-A and 323 of the Indian Penal Code. At the pre-charge stage under Section 245 of the Cr. P.C., apart from the complainant, five other witnesses were examined. They have supported the allegation made in the complaint that the complainant was being subjected to cruelty for non-fulfilment of demand of dowry of Rs.20,000/- as dowry for the purpose of construction of a toilet in the house.

The deposition of witnesses recorded under Section 244 Cr. P.C. has been brought on record, which would show that no cross-examination was done by the defence.

As the complainant and the witnesses have supported the allegations made in the complaint and there is no cross-examination prior to charge on material aspects of the matter, no illegality can be found with the impugned order dated 24.03.2017.

Accordingly, the application being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2017
Transmission Date	01.12.2017

