

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16654 of 2014

Arising Out of PS.Case No. -1889 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Sanjay Kumar, son of Dasrath Sah, resident of village- Ghegta, P.S.- Chapra
(M), District- Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar,
2. Poonam Kumari, wife of Sanjay Kumar, daughter of Raj Kumar Gupta, resident
of mohalla- Ratanpura (Near Sinha lodge), PS- Bhagwan Bazar, District- Saran
(Chapra)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. S. D. Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date: 28-06-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 25.04.2013 passed by the Sub-Divisional Judicial Magistrate, Chapra, in Complaint Case No.1889 of 2012/ Inquiry No.142 of 2013/ Tr.2520 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and others for the offence under Section(s) 498-A Indian Penal Code.

2. Petitioner is husband of the Opposite Party No.2-complainant.

3. Although Opposite Party No.2 has appeared by



filing vakalatnama, but none has appeared on her behalf.

4. Counsel for the petitioner submits that he is ready for settlement with the Opposite Party No.2-wife.

5. From perusal of the impugned order, it appears that learned Magistrate after looking into Solemn Affirmation of the complainant and statement of three witnesses recorded during enquiry has found *prima face* case under Section(s) 498-A Indian Penal Code against petitioner and other accused.

6. At the time of taking cognizance, the Magistrate is required only to see *prima facie* against the accused.

7. Therefore, this Court does not find any illegality in the impugned order by which learned Magistrate has found *prima facie* case against the petitioner and other accused persons for the offence under Section(s) 498-A Indian Penal Code.

8. Accordingly, the application is dismissed.

9. However, petitioner is given liberty to take appropriate plea in the Court below for settlement/compromise of the case and in that event, the Court below will proceed expeditiously in accordance with law.

10. Petitioner is further given liberty take all the points, as raised in the present application, in the Court below at the



time of framing of charge, which shall be considered in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-07-2017
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