

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11349 of 2014

Arising Out of PS.Case No. -549 Year- 2010 Thana -SAMASTIPUR COMPLAINT CASE District-SAMASTIPUR

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1. Vishwanath Mahto Son Of Ramashish Mahto, Resident Of Village - Belsandi Tara, P.S. - Bibhutipur, Dist. - Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Brajmala Kumari Wife Of Vishwanath Mahto Resident Of Village - Belsandi Tara, P.S. - Bibhutipur, Dist. - Samastipur

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Uma Shankar Prasad Singh
For the Opposite Party/s : Mr. Gopal Tiwary
For the State : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 19-07-2017

This is an application under Section 482 of Cr.P.C. for quashing the order dated 12.01.2011 passed by learned S.D.J.M., Samastipur in Complaint Case No. 549 of 2010 / Trial No. 1981 of 2011 whereunder the petitioner was summoned to face trial for the offence under Section 498-A of the I.P.C.

2. Heard the learned counsels for the petitioner, O.P. No. 2 and A.P.P. for the State.

3. The petitioner is husband of O.P. No. 2, who filed complaint case on the file of C.JM, Samastipur alleging inter alia that she was married with the petitioner on 05.07.2001 and from the said wedlock, she got two sons. She has further alleged that since August, 2007, her husband and in-laws started demanded Rs. one lac and on refusal of the complainant, her husband and in-laws



assaulted and after snatching her entire belongings ousted from their house.

4. It has been submitted that the Magistrate had taken cognizance against this petitioner and his family members. The order taking cognizance was challenged before this Court by the parents and other family members of the petitioner by filing Criminal Miscellaneous No. 5984 of 2014 which after hearing was allowed on 19.08.2014 and cognizance with respect to four persons was quashed. On perusal of record, I find that the complainant and her witnesses at the time enquiry under Section 202 Cr.P.C have supported the allegation of demand of money and torture against the petitioner. The Magistrate finding prima facie case for the offence under Section 498A of the I.P.C. has rightly summoned the petitioner to face the trial. The petitioner will have opportunity to raise his defence at the time of trial.

5. As such, I do not find any illegality in the impugned order amounting to abuse of process of the Court for interference in inherent jurisdiction under Section 482 of the Cr.P.C. Accordingly, this Criminal Miscellaneous Application is dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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