

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11731 of 2014

Arising Out of P.S.Case No. -2143 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

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Pankaj Kumar Singh @ Pankaj Singh Son Of Syambihari Singh Resident Of
Purwari Patli, Amanour, P.S.- Amanaur, District- Saran (Chhapra)

.... Petitioner

Versus

1. The State Of Bihar
2. Punam Devi Wife Of Pankaj Kumar Singh @ Pankaj Singh, D/O Lalan Singh
Resident Of Village- Shekhpura, P.S.- Rivilganj, District- Saran (Chhapra).

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Ajeet Kumar Bhardwaj, Advocate
For the Opposite Party No.2	: Mr. Rakesh Kumar, Advocate
For the State	: Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-07-2017

Heard.

2. This criminal application under Section 482 of the Cr.P.C. has been filed to quash the order dated 28.11.2012 passed by learned SDJM, Chapra in Enquiry Case No.306 of 2012 whereunder the Magistrate finding prima-facie case for the offence under Sections 498(A) and 279 of the IPC summoned the petitioner and other co-accused. The petitioner is the husband of Opposite Party No.2 against whom, it has been alleged that he and his family members, since the date of marriage were demanding Hero Honda motorcycle and a colour television as dowry. She was tortured and assaulted and ousted from the matrimonial house. It has been further alleged that this petitioner married another lady, namely, Kusum Devi on 15.05.2011. The matter was enquired and the Magistrate finding prima-facie case for the offence in question ordered for issuance of summons.

3. Learned counsel for the petitioner submits that the Opposite Party No.2 is not willing to live with this petitioner and she voluntarily left the company



of the petitioner in the month of October, 2008 and went to Kolkata. The petitioner filed a Matrimonial Case no.93 of 2009 before Civil Judge, Balia for restitution of Conjugal Right. The complainant Opposite Party No.2 in spite of service of notice did not appear and the said case is pending for disposal. The cognizance under Section 498A and 379 of the IPC is against the material on record and also barred also fit to be quashed under Section 468 of the Cr.P.C and so the same is fit to be quashed.

4. The learned counsel for the Opposite Parties opposed the submissions.

5. On perusal of complaint petition as well as impugned order, I find that this petitioner is the husband of Opposite Party No.2. There is specific allegation that he started demanding motorcycle and a television since the date of marriage and on account of non-fulfilment of said demand, she was ousted from the house. The complainant along with her three children are presently residing at the place of her father. The complainant on solemn affirmation and other witnesses during enquiry supported the allegation of torture and performing the second marriage with a lady on 15.05.2011. The SDJM finding prima-facie case for the offence under the aforesaid section has rightly summoned the petitioner.

6. In view of above discussions, I do not find any merit in this application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	31.07.2017
Transmission Date	31.07.2017

