

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35443 of 2013

Arising Out of PS.Case No. -312 Year- 2011 Thana -AGAMKUAN District- PATNA

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1. Dharmendra Kumar Pandey S/O Late Madan Gopal Pandey R/O- House No.-189, Sector 8e, Bahadurpur Housing Colony, P.S.- Agamkuwan, District- Patna-20.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Anita Giri W/O Dharmendra Kumar Pandey, D/O Sri Ramesh Chandra Giri R/O Jawahar Colony Road No.-2, Postal Park- P.S.- Mithapur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 17-01-2017

The petitioner has filed this application under Section 482 of the Code of Criminal Procedure for quashing order dated 16.08.2012 passed by the learned A.C.J.M., Patna City, Patna in Agamkuan P.S.Case NO.312 of 2011.

The prosecution story in short is that the informant, Anita got married with the petitioner on 29.8.2000 and on 28.11.2000 she alleged about her torture. She also alleged that her husband has solemnized another marriage with Anita Aishrya, who is Advisor in the Company of her husband, with the co-operation of her brother-in-law and sister-in-law. Father of Anita Aishrya threatened her to leave her husband, otherwise he will manage to



kill her children, who are aged about 10 and 07 years. Her husband has gifted her all ornaments to Anita Aishrya.

On the basis of the aforesaid fardbeyan, Agamkuan P.S.Case No.312 of 2011 was instituted under Section 498A and 494 of the Indian Penal Code and the police after investigation submitted charge sheet under Section 498A of the Indian Penal Code. The learned A.C.J.M., Patna City on the basis of materials available in the F.I.R. as well as in the charge-sheet took cognizance against the accused persons under Section 498A of the Indian Penal Code, vide order dated 16.08.2012 passed in Agamkuan P.S.Case No.312 of 2011. The aforesaid order is under challenge in this Court.

It is submitted on behalf of the petitioner that earlier to the filing of this case, the petitioner had filed an informatory petition before the police, apart from that the Opposite Party No.2 is not ready to live with the petitioner as she has illicit relation with another person. Further, it is submitted on behalf of the petitioner that the he has already filed a Divorce Case No.892 of 2011 before the learned Family Court, Patna, which is still pending, as such in order to pressurize the petitioner, this false and concocted case has been lodged and other cases had also been filed. It has



also been submitted that Opposite Party No.2 is not ready to live with the petitioner as she has illicit relation with another person and the A.C.J.M., Patna City without proper application of mind has passed order taking cognizance against the petitioner under Section 498A of the Indian Penal.

Heard learned A.P.P. as well as learned counsel for Opposite Party No.2. It has been submitted that there is no illegality in the order as the learned A.C.J.M., Patna City finding the case true under Section 498 A of the Indian Penal Code, has taken cognizance against the petitioner.

Having heard both sides. From perusal of the impugned order as well as materials available on the record, it appears that the learned A.C.J.M., Patna City after perusal of the charge-sheet has taken cognizance against the petitioner under Section 498 A of the Indian Penal Code against them. So far contention of the petitioner that he has filed an informatory petition, as well as a Divorce Case, hence he has falsely been implicated, is concerned, this is not a proper stage to look into the same.

In view of the aforesaid facts, I do not find any illegality or error apparent on the face of the records. Hence, this application is dismissed with liberty to the petitioner to raise all these points at



an appropriate stage.

(Vinod Kumar Sinha, J)

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