

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21817 of 2014

Arising Out of PS.Case No. -659 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ashutosh Kumar son of Umakant Dwivedi.
 2. Umakant Dwivedi son of late Ram Janam Dwivedi.
 3. Meera Devi @ Meera Dwivedi wife of Umakant Dwivedi.
 4. Madhubala Devi @Madhumala Devi wife of Deepak Kumar Dwivedi.
 5. Deepak Kumar Dwivedi sono f Umakant Dwivedi

All resident of village Datiyana P.S. Vikram District Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Mamta Kumari D/o Shyam Narayan Chaturvedi resident of village
Banwaripur P.S. Bihta District Patna. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ebrahim Kabir, Advocate
Mr. Shruti Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Pd. Nat, App

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-07-2017

Counsel for the petitioners submits that from perusal of the medical documents and ultrasound report which he has brought on record as Annexure 3, it is evident that the complainant was pregnant from before solemnization of the marriage. He has also relied upon a petition dated 29.05.2012 which is a document whereby she has sought protection from the Officer-in-Charge, Agamkuan P.S. showing apprehension against the petitioners and disclosed her relation with her brother-in-law. He has also relied upon certain other documents showing that in fact the complainant was not interested in the matrimonial relationship. On the basis of



the aforesaid documents, he submits that the complaint case against the husband and his family members is false and fabricated. He further submits that the order taking cognizance is bad and fit to be set aside.

Such documentary evidence on the basis of which the petitioners factually denies and disputes the allegations made in the complaint petition cannot be looked into at this stage by exercising jurisdiction under Section 482 Cr.P.C. The same can only be looked into by the Court below at the appropriate stage.

In view of the aforesaid circumstances, the application is dismissed.

However, the petitioner will be at liberty to raise all the issues at the appropriate stage of trial.

(Madhuresh Prasad, J)

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