

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17711 of 2014

Arising Out of PS.Case No. -1009 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Heera Lal Chauhan, S/o Dilchand Chauhan,
 2. Kundan Chauhan, S/o Heera Lal Chauhan,
 3. Dharmendra Chauhan, S/o Heera Lal Chauhan,
 4. Anil Chauhan, S/o Heera Lal Chauhan,
 5. Meena Devi @ Sundary Devi, W/o Heera Lal Chauhan, all resident of village-
Sirpatia, P.S.- Nardiganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Champa Devi, D/o Munni Lal Chauhan, resident of village- Tarwan, P.S.
Wazirganj, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. APP
Mr. Kumar Dharendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-10-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.02.2011 passed by the Sub-Divisional Judicial Magistrate, Nawada, in Complaint Case No.1009 of 2010 whereby the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and other accused for the offence under Section(s) 498-A, 494 Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. Counsel for the petitioners has submitted that earlier also Complaint Case No.943 of 2009 was filed by the



Complainant against the accused persons, which is still pending. Counsel for the petitioners has further submitted that matter has been resolved in the Mediation Centre and terms of settlement is on record in the form of memorandum of agreement.

3. Counsel for the Opposite Party No.2 has submitted that in the year 2010, husband has performed second marriage and thereafter subsequent cause of action arose to the Complainant and hence, the present complaint has been filed. It is also submitted that after settlement in the Mediation Centre the petitioner never followed terms of settlement and the Complainant is still leading neglected life. None of the accused has taken care of her.

4. From perusal of the impugned order, it appears that the Court below after perusing complaint, Solemn Affirmation of the Complainant and statement of witnesses recorded under Section 202 Cr. P. C. found *prima facie* case against all the petitioners under Section 498-A Indian Penal Code and Section 4 of the Dowry Prohibition Act and also under Section 494 of the Indian Penal Code against Dharmendra Chouhan.

5. At the time of taking cognizance, Court below is required only to see *prima facie* case.

6. This Court does not find any illegality in the impugned order by which learned Magistrate has taken cognizance



against the petitioners for the offence under Section(s) 498-A, 494 Indian Penal Code and Section 4 of the Dowry Prohibition Act.

7. The application is, accordingly, dismissed.

8. Liberty is given to the petitioners to raise all the points, as raised in the present petition, at the time of framing of charge, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22-10-2017
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