

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51670 of 2014

Arising Out of PS.Case No. -2062 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Ramesh Chandra Mahto son of Sri Ram Prasad Mahto, Resident of village-
Chandauli, P.S.- Ujiarpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi, Wife of Ramesh Chandra Mahto, Resident of village-
Chandauli, P.S.- Ujiarpur, District- Samastipur. At present- Daughter of
Sri Munsi Lal Mahto, Resident of Mohalla- Tajpur Agarwal Tol, P.S.-
Tajpur, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. B.N.Panday(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 24-11-2017 Heard the learned counsel for the petitioner and
the learned APP for the State.

This Criminal Miscellaneous has been filed
against the order dated 12.03.2014 passed by the learned Sub-
Divisional Judicial Magistrate, Samastipur in C.R. No. 2062 of
2013, Trial No. 3468 of 2014 wherein cognizance has been taken
for the offences under section 498 (A) of the I.P.C. and section 3/4
of the Dowry Prohibition Act against the petitioner and others.

Submission is that the petitioner has filed
Matrimonial Case No. 218 of 2013 under section 9 of the Hindu
Marriage Act on 25.07.2013 and thereafter the complaint case has
been filed on 28.09.2013 with false allegation, no offence as



alleged is made out and as such the impugned order is fit to be quashed.

The learned APP seriously opposes the aforesaid submission.

After perusal of the complaint petition and the impugned order it reveals that the complainant has been examined on the solemn affirmation and two enquiry witnesses, namely, Manoj Mahto and Dilip Thakur have also been examined who have supported the allegations as made in the complaint petition. After perusal of the materials available during enquiry prima-facie offence under section 498 (A) of the I.P.C and section 34 of the Dowry Prohibition Act is made out against the petitioner who is husband of the complainant. There is no illegality, incorrectness or impropriety in the impugned order dated 12.03.2014 and the same does not require any interference by this Court.

In the result, finding no merit in this Criminal Miscellaneous, the same stands dismissed at the admission stage itself.

(Jitendra Mohan Sharma, J)

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