

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50748 of 2014

Arising Out of PS.Case No. -795 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Rabindra Gupta Son of Ramadhar Sah Resident of village-
Raghunathpur, P.S - Natwar, District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar

2. Hewanti Devi Wife of Rabindra Gupta D/o Bandhu Sah Resident of
village- Karhansi P.S- Natwar, District- Rohtas

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the O.P. No.2 : Mr. Dineshwar Mishra, Advocate

Mr. Surendra Mishra, Advocate

For the Opposite Party : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 27-11-2017

Heard learned counsel for the petitioner, learned
counsel representing the complainant-Opposite Party No. 2 as
well as learned Additional Public Prosecutor for the
State.

The petitioner, in the present case, is seeking
quashing of the order dated 26.06.2014 passed by learned
Judicial Magistrate, 1st Class, Bikramganj, Rohtas in Complaint
Case No. 795/2013, by which cognizance of the offence under
section 498A of the Indian Penal Code has been taken and
petitioner has been summoned.

A perusal of the complaint petition would show that
there are allegations of demand of dowry and on non-fulfillment



of the same certain acts of torture have also been alleged. It transpires from the submission of learned counsel for the petitioner that he is not willing to keep the complainant-Opposite Party No. 2, the wife. According to him, the present case has been filed by the complainant-Opposite Party No. 2 after the husband of the complainant-Opposite Party No. 2 had already filed Matrimonial Case No. 278/2012 under Section 13 of the Hindu Marriage Act for decree of divorce.

On the other hand, learned counsel for the complainant-Opposite Party No. 2 submits that his client would be ready and willing to live with the petitioner if he keeps her with full dignity and care.

So far as the present case is concerned, in the facts and circumstances where there are allegations against the petitioner, I do not find it a fit case to interfere with the order taking cognizance and issuance of summon. This should, however, not be construed as a bar to the parties in the matter of settlement outside the Court, if they so desire.

This application is dismissed, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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