

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.51254 of 2014**

Arising Out of PS.Case No. -2164 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-  
GOPALGANJ

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Dr. Dharmendra Kumar Singh, Son of Late Yamuna Singh, R/o Village Tarwan  
Khem, P.S. Phulwaria, District Gopalganj at present residing in the house of  
Jagdish Master of Mirganj, P.S. Mirganj, District Gopalganj

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Kushum Devi, D/o Ramrup Bhagat, Wife of Dr Dharmendra Kumar Singh, R/o  
Rupanchak, P.S. Hathua, District Gopalganj

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Advocate.

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 17-11-2017**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.08.2014 passed by the learned Sub Divisional Judicial Magistrate, Gopalganj, in Complaint Case No. 2164C of 2014 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offences under Section 498-A and 406 of the Indian Penal Code.

2. The case of the complainant (opposite party No. 2) is that her marriage was solemnized with this petitioner on 04.08.2014 according to Hindu rites and customs. It is alleged that at the time of marriage her parents had given various articles and cash of



Rs.5,00,000/-. After marriage, she gave birth to five children. It is further alleged that after marriage petitioner has developed illicit relation with one Afshana Parvin who is an Assistant of the petitioner and this petitioner solemnized second marriage with her. After second marriage, behaviour of the petitioner changed. He started demanding more dowry from the parents of the complainant and on non-fulfillment of the same, she was brutally assaulted and ousted from her matrimonial house after keeping her ornaments and belongings amounting to Rs.4,00,000/-

3. Heard learned counsel for the petitioner and learned counsel for the opposite party No. 2.

4. Learned counsel for the petitioner has submitted that the court below has passed impugned order without proper application of mind.

5. The learned counsel for the opposite party No. 2 has submitted that petitioner is husband of the complainant. He was granted anticipatory bail by a coordinate Bench of this Court vide order dated 7.4.2015 passed in Cr. Misc. 49259 of 2014 in which he has undertaken that he will keep opposite party No. 2 as his legally wedded wife, but he never acted as per undertaking given by him in the bail order. The petitioner is making payment of Rs.750/- as maintenance to the complainant in compliance of the order of



coordinate Bench of this Court vide order dated 17.09.2015. Maintenance case filed by the complainant has been finally decided and petitioner was directed to make payment of Rs.7,000/- per month to the complainant. He is making payment of the aforesaid amount to the complainant in compliance of the order of the Maintenance court.

6. Learned counsel for the opposite party No. 2 has appeared and submitted that in the court below charge has been framed and trial has also begun. He has submitted that in the instant case there was no stay. Therefore, further progress of the trial in the court below has been made. He has submitted that several litigations are pending between the parties. The petitioner has also filed case against the informant which is pending.

7. The complainant has levelled specific allegation of overt act against this petitioner in the complaint petition.

8. Therefore, this Court is not inclined to interfere in the impugned order dated 13.08.2014 passed by the learned Sub Divisional Judicial Magistrate, Gopalganj, in Complaint Case No. 2164C of 2014.

9. This Criminal Miscellaneous application is accordingly dismissed.

10. However, it is observed that in the event the final order has been passed by the court below in maintenance case, the



petitioner is not required to make payment of Rs.750/- per month as per direction of coordinate Bench of this Court vide order dated 17.09.2015. The petitioner will make payment of the maintenance amount as fixed finally by the court below in the Maintenance case.

**(Sanjay Priya, J)**

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