

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1689 of 2014

Arising Out of PS.Case No. -288 Year- 2008 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Samrendra Singh @ Surendra Kumar @ Samrendra Kumar, S/O Late
Nawal Kishore Singh, Resident Of Vill - Rosera, Ward No. 14, Block Road,
P.S. - Town , District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Prabha Kumari, D/O Shri Parmanand Thakur, Vill - Aznaul Dih, P.S. -
Dalsinghsarai, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Anil Pd.Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

10 20-06-2017

Heard both sides.

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure (hereinafter to be referred to as the Cr.P.C. for sake of brevity) for quashing the order dated 05.01.2009 passed in Complaint Case No.288 of 2008 by the learned Judicial Magistrate-1st Class, Dalsinghsarai, whereby the learned Judicial Magistrate after finding the prima facie case under Sections 498A, 323 and 379 of the Indian Penal Code took cognizance against the petitioner.

Learned counsel for the petitioner submits that the complainant was suffering from mental illness and before filing of



this complaint petition petitioner got divorce ex parte against the complainant, but on perusal of the complaint petition as well as evidence of the witnesses it appears that the petitioner, who is the husband, subjected the complainant to all sorts of torture for non-fulfillment of demand of dowry immediately after marriage solemnized in the year 2003. The complainant had no knowledge about ex parte divorce.

The learned Judicial Magistrate has rightly found the prima case to proceed against the petitioner under Sections 498A, 323 and 379 of the Indian Penal Code. I do not find any illegality in the impugned order. Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

Arvind/-

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