

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14572 of 2014

Arising Out of PS. Case No.-23 Year-2013 Thana- DEEPNAGAR District- Nalanda

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Ranjeet Kumar Son of Raj Kishore Prasad resident of village- Maghara,
Police Station- Deep Nagar, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Sulochana Devi W/O Ranjeet Kumar Daughter Of Sri Dev Nandan Prasad At
Present Resident Of Bharawpar, Police Station- Laheri, District- Nalanda
- Opposite Party/s
- =====

Appearance :

(In Criminal Miscellaneous No. 14572 of 2014)

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. SANJAY KUMAR SINGH(APP)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 14-12-2017

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 06.02.2014 passed by the Chief Judicial Magistrate, Nalanda in Deep Nagar P.S. Case No. 23 of 2013, whereby and whereunder cognizance has been taken against the petitioner and others for the offence under section 498A/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

Learned counsel appearing for the petitioner submits that no offence against the petitioner is disclosed and the present prosecution has been initiated with mala fide



intention for the purposes of harassment. It is submitted that prior to the marriage with this petitioner, informant was married to another boy but this fact was not disclosed to this petitioner. After knowing about the present marriage of informant with this petitioner, the first husband lodged matrimonial case No. 73 of 2012 for dissolution of marriage. Petitioner, knowing all these facts lost his temper and filed a case for divorce before Family Court, Nalanda. After filing of the divorce case, the informant has lodged the present case implicating his entire family members. The first husband of the informant also lodged a complaint against the informant and this petitioner, in which cognizance has been taken. Neither the petitioner nor his family members ever demanded dowry or tortured the informant, but the informant has lodged the present false case only to save her prestige.

Considering the materials available on record, this Court finds substance in the submissions advanced on behalf of the petitioner. All the above submissions made by the petitioner are on affidavit. In this case opposite party no. 2 has entered appearance but did not choose to rebut any of the aforesaid submissions.

In view of the discussions made above, this Court



finds that the order dated 06.02.2014 passed by the Chief Judicial Magistrate, Nalanda in Deep Nagar P.S. Case No. 23 of 2013, whereby and whereunder cognizance has been taken against the petitioner and others for the offence under section 498A/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act, is not sustainable in the eye of law. The same is, hereby, quashed.

The application, accordingly stand allowed.

(Arvind Srivastava, J)

mcv/-

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