

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44083 of 2013

Arising Out of PS.Case No. -630 Year- 2006 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Sheonandan Prasad S/O Sri Rupchand Bind Resident Of Village- Parsurampur, Police Station- Jehanabad, District- Jehanabad.
 2. Dewanti Devi W/O Sheonandan Prasad Resident Of Village- Parsurampur, Police Station- Jehanabad, District- Jehanabad.
 3. Rup Chand Bind S/O Late Deepa Bind Resident Of Village- Parsurampur, Police Station- Jehanabad, District- Jehanabad.

.... Petitioner/s

Versus

1. State Of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-04-2017

The present petition has been filed for quashing the order dated 18-07-2007 passed by the learned Judicial Magistrate-Ist Class, Jehanabad in Complaint Case No. 630 of 2006, by which and whereunder, the learned Magistrate took cognizance against the petitioner for the offence under Sections-498A, 494/323 of the Indian Penal Code.

Heard the parties.

The petitioners are husband, mother-in-law and father-in-law of the complainant.

Vide order dated 22-09-2014, the matter was sent to Mediation Centre. The report of Mediation Centre is available at Flag-“C” wherein it has been mentioned that petitioner No. 1 husband has offered to settle the dispute which fact has been mentioned in the



aforesaid report but opposite party No. 2 neither accepted the offer nor rejected the same.

From the impugned order, it appears that during inquiry, on the basis of SA of the complainant and statement of four witnesses recorded during inquiry u/S 202 of the Cr.P.C. the court below has found prima facie case against the petitioner and took cognizance.

The learned Magistrate is only required to see prima facie case at the time of taking cognizance on the basis of allegation made in the complaint and the statement of witnesses recorded during inquiry.

Therefore, this court does not find any illegality in the impugned order dated 18-07-2007 passed by the learned Judicial Magistrate-Ist Class, Jehanabad in Complaint Case No. 630 of 2006. Accordingly, this Cr. Misc. Application is dismissed.

However, the petitioners are given liberty to raise all such points as raised in this application before the court below at the time of framing of charge along with copy of the report of Mediator, kept at Flag “C” which shall be disposed of by the court below in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	21-04-2017
Transmission Date	21-04-2017

