

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35081 of 2013

Arising Out of PS.Case No. -3186 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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Raghunath Chaudhary S/O Late Dukharan Chaudhary Resident Of Village-
Basaitha Chanpura, Police Station- Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. Jyoti Jha W/O Anil Kumar Jha & D/O Nagendra Chaudhary Resident Of
Plot No.- 28, Road No.-9/B, Mithila Colony, Mohalla- Rajib Nagar, Patna,
P.S.- Rajib Nagar, Town & District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Pushpa Rani

For the Opposite Party/s : Mr. Md.Asam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-01-2017 The petitioner has challenged order dated 28.02.2012
passed by the Sub-Divisional Judicial Magistrate, Patna in
Complaint Case No.3186/(C)/2011, by which the learned Sub-
Divisional Judicial Magistrate, Patna, after enquiry, issued
processes against the petitioner and other accused persons under
Section 417 of the Indian Penal Code.

The prosecution story in short is that on 22.11.2009, the
complainant was married with Anil Kumar Jha and at the time of
negotiation for marriage accused no.2 to 4 including the petitioner
introduced Anil Kuamr Jha as Company Secretary but after the
marriage she learnt that her husband is having forged certificate.
Further, after the marriage, the family members of the in-laws
started demanding money to purchase land at Kolkata but in
condition of non-fulfillment of their demand, they started torturing



her.

After examination of the complainant petition and also examining two other witnesses, the Sub-Divisional Judicial Magistrate, Patna finds out prima facie that the case is under Section 417 of the Indian Penal Code against the petitioner and issued processes against the petitioner and he has also issued processes against the other accused persons under Sections 498A, 499A and 465 of the Indian Penal Code and Section 4 of D.P. Act, vide order dated 28.02.2012 passed by S.D.J.M., Patna in Complaint Case No.3186 (C) of 2011.

The aforesaid order dated 28.02.2012 passed by the learned Sub-Divisional Judicial Magistrate, Patna is under challenge for quashing the same.

It is submitted on behalf of the petitioner that from perusal of the complaint petition itself, it appears that the petitioner is only Mediator and he only introduced the family of the husband to the complainant and except that there is no allegation against the petitioner. As a matter of fact the daughter of the complainant should verify the same prior to getting married his daughter, as such no case is made out under Section 417 of the Indian Penal Code against the petitioner, hence the order issuing processes against the petitioner is fit to be quashed.

Heard learned A.P.P. also, who opposes the application stating that from perusal of Section 417 of the Indian Penal Code,



it clearly appears that ingredients are found against the petitioner in this case as it is the petitioner on whose instance the marriage was solemnized on the pretext that the boy was a Company Secretary, as such he is also responsible for cheating the complainant, hence, this application is devoid of merit and fit to be dismissed..

Having heard both sides. In view of the facts and allegation against the petitioner and from perusal of the complaint petition and the materials available on the record, it clearly appears that it was the petitioner, who had introduced the family members of the accused persons and Anil Kumar Jha as Company Secretary and marriage of the complainant got solemnized and later on it appears to be false, as such at present he can not be absolved of the offence and whatever his defence is, it can be seen at the time of trial.

I find no error apparent on the record. Hence, this application is dismissed.

(Vinod Kumar Sinha, J)

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