

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32360 of 2014

Arising out of P.S. Case No.2417 Year 2012 Thana PATNA COMPLAINT CASE District PATNA

Vimal Kishore Gupta, Son of Munnu Lal Gupta, resident of Mohalla Chandrma Lal Ka Bagicha, Police Station Ramai Patti, District Mirzapur (U.P.)

.... Petitioner

Versus

1. The State of Bihar
2. Preeti Gupta, Wife of Vimal Kishore Gupta, Daughter of Vinay Kumar Gupta, resident of 106 S.S. Enclave, Mohalla Ashiana Digha Road, P.S. Rajeev Nagar, District Patna, at present Vinay Kumar Gupta, Assistant Manager, State Bank of India, P.O. Bistupur, East Singhbhum, Jamshedpur-831001

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Prem Kr.Jha(App)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 05-07-2017

Heard learned counsel for the parties.

The petitioner challenges order taking cognizance dated 10.10.2012, passed by learned S.D.J.M., Patna in Complaint Case No.2417(C)/2012 whereby cognizance has been taken under Sections 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner-husband of the complainant has also filed a case for restitution of conjugal rights before the learned 3rd Additional District Judge, Mirzapur. Matter was earlier sent by this Court to Mediation Centre, Patna High Court but unfortunately no settlement could be reached. Further submission is that complainant alleges in the complaint petition that on 11.08.2012, the petitioner came along



with his father to her parents' house, made further demand of dowry and on refusal abused the complainant and her parents whereas on the said day the father of the petitioner, an employee of the State Bank of India, posted at Jamshedpur Branch, was on duty on that very day.

Learned counsel appearing on behalf of opposite party no.2 submits that the petitioner is husband and out of this wedlock two girl children were born and within five years of marriage, she was ousted from matrimonial home on account of failure by her parents to meet further demand.

Having considered the rival submissions and on perusal of the record, allegations levelled in the complaint against the petitioner being husband is of torturing his wife for realizing further demand of dowry and as per allegation as the demand was not fulfilled, she was ousted along with her daughters from the house and even at parents' home at Patna, demand was made so there is no ground to interfere with the order of cognizance dated 10.10.2012, passed by learned S.D.J.M., Patna in Complaint Case No.2417(C)/2012 at this stage.

The quashing petition stands dismissed.

(Arun Kumar, J.)

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