

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17180 of 2014

Arising Out of PS.Case No. -793 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Raj Kumari Devi Wife of Late Satya Deo Singh
2. Rajiv Ranjan Singh Son of Sri Satya Deo Singh
3. Indira Singh Wife of Sri Rajiv Ranjan Singh
4. Raj Rajendra Singh Son of Sri Rajiv Ranjan Singh All resident of 'Satya Niwas', Rani Bazaar, P.S.- Katras, Dist.- Dhanbad

.... Petitioner/s

Versus

1. The State of Bihar
2. Swati Singh wife of Late Harshwardhan Singh and daughter of Sri Janki Singh resident of Pakka Ghar, Sonpur Bazar, P.S.- Sonpur, Dist.- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Sohan

For the Opposite Party/s : Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 21-07-2017 Heard learned counsel for the petitioners and learned counsel, appearing for opposite party No. 2.

This application has been filed for quashing the order dated 16-10-2012 passed by learned Sub Divisional Judicial Magistrate, Danapur in Complaint Case No. 793(C) of 2012 by which, the learned Magistrate after holding injury u/S 202 Cr.P.C. has found prima facie against the petitioners for the offence under Sections- 498A, 323 of the IPC.

It has been submitted on behalf of opposite party No. 2 that earlier the matter was sent to mediation centre but matter was not sorted out.



The learned Magistrate is only required to see prima facie case at the time of holding enquiry on the basis of allegation made in the complaint petition and the statement of witnesses recorded during inquiry including the S.A. of complainant.

From perusal of the impugned order, it appears that the learned Magistrate has, on the basis of allegation made in complaint petition and the statement of witnesses, recorded during inquiry including the S.A. of complainant found prima facie case against the petitioners for the offence under Sections-498A, 323 of the Indian Penal Code.

Therefore, this court does not find any illegality in the impugned order. Accordingly, this Cr. Misc. Application is dismissed.

The learned trial court is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

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