

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44051 of 2014

Arising Out of P.S.Case No. -205 Year- 2006 Thana -SARAN COMPLAINT CASE District-
SARAN

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Deep Narayan Singh S/O Late Ram Nath Singh resident of village- Atanager, P.S.
Isuwapur, Distt- Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar
2. Manisha Devi W/o Deep Narayan Singh D/o Rajdeo Singh resident of village-
Atanager, P.S. Issuapur, Distt- Saran at Chapra

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate

For the Opposite Party : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 04-09-2017

This application under Section 482 of the Cr.P.C. has been
filed to quash the order dated 22.07.2006 passed by learned SDJM,
Saran at Chapra in Trial No.3762 of 2006 arising out of Complaint
Case No.205 of 2006 whereunder the learned Magistrate took
cognizance of offence under Sections 498A, 323 and 494 of the IPC
against the petitioner and summoned him to face the trial.

2. Heard and perused the record.

3. The Opposite Party No.2 has filed a complaint case on the
file of CJM alleging inter-alia that her marriage with this petitioner
took place on 24.06.2002. After two months of her marriage, her
husband and in-laws started demanding Rs.50,000/- for starting
business and a colour television. Her husband and her in-laws used to
torture her on account of non-fulfilment of said demand. The husband
subsequently married another lady and ousted her from the



matrimonial house. It has been alleged that her husband and in-laws took signature of Opposite Party No.2 on the blank paper. He further submits that after the alleged occurrence of assault, a compromise was entered into by the parties and the petitioner agreed to keep the complainant and his second wife with full honour and dignity. The learned Magistrate has passed the impugned order in mechanical manner and so the impugned order is fit to be quashed.

4. Learned APP opposed the submissions.

5. On perusal of complaint petition and impugned order, I find that this petitioner is the husband of Opposite Party No.2 and specific allegation is that on account of non-fulfilment of demand of Rs.50,000/- and other articles he tortured the Opposite Party No.2. This petitioner married another lady and subsequently the complainant was ousted from her matrimonial house. The learned Magistrate finding sufficient material has rightly taken cognizance against the petitioner under the aforesaid Sections.

6. In the facts and circumstances stated above, I do not find any illegality in the impugned order. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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