

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35612 of 2014

Arising Out of PS.Case No. -1149 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Tuntun Sah S/o Bhulan Sah
2. Bhulan Sah S/o Late Mishri Sah
3. Sampati Devi W/o Bhulan Sah All are R/o vill.- Siswaniya, P.S.-
Uchkagaon, Dist.- Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. Reeta Devi D/o Late Narayan Sah R/o village- Bashdillah Bazar, P.S. &
District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 06-09-2017 The petition under Section 482 of the Code of Criminal Procedure has been filed to quash the order taking cognizance dated 30.10.2013 passed by the learned Court of S.D.J.M., Gopalganj, in complaint case No. 1149 of 2013 for offences punishable under Sections 498(A), 406 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

Briefly stated, the fact of the case is that the marriage of the complainant, namely, Reeta Devi was solemnized with petitioner No. 1 Tuntun Sah on 13.04.2012. It has been further alleged in the complaint petition dated 10.05.2013 that from the very beginning the complainant/opposite party had been subjected



to torture and harassment for demand of dowry, the accused persons have greedy eyes over the landed property and complainant is a school teacher and accused persons demanded that all salary which is paid to her should be given to them and the complainant was ousted from the matrimonial home on 16.04.2013 and all her ornaments and other valuable belongings were kept in her matrimonial home and she was sent to her parental home with a threatening that unless and until she brings car and get land registered in the name of accused/petitioner she will not be permitted to enter in her matrimonial home. With the aforesaid allegations, the complaint petition was filed.

The complainant was examined on S.A. by the court below and three witnesses were also examined in support of the complaint case. Altogether eleven persons were arrayed as accused in the complaint petition, but on the basis of complaint case and examination of witnesses and materials available on record, the court below has found prima facie case against accused Nos. 1, 2 and 11 and for others the court below did not find sufficient material to proceed against them, as such, summons have been issued against petitioner Nos. 1, 2 and 3. On the basis of allegations made in complaint petition and statement of three witnesses examined by the Court in support of complaint case, the



court below has taken cognizance under Sections 498(A), 406 and 34 of Dowry Prohibition Act vide order dated 30.10.2013 and has issued summons to petitioner Nos. 1, 2 and 3 for their appearance and to face the trial.

At the stage of taking cognizance, the trial Court has to find only whether the prima facie case is made out against the accused persons or not. At the initial stage of proceeding, the defence of the accused persons cannot be examined.

After going through the records, the court below has found sufficient material against the accused persons for issuance of summons and as such cognizance has been taken under Section 498(A), 406 of the Indian Penal Code and 3 and 4 of Dowry Prohibition Act.

After going through the order and other materials available on record, I am not inclined to interfere in the order taking cognizance dated 13.10.2013 under Section 498(A), 406 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act and, as such, the present petition is dismissed.

(S. Kumar, J)

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