

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36503 of 2014

Arising Out of P.S.Case No. -1114 Year- 2011 Thana -GAYA COMPLAINT CASE District- GAYA

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Mukesh Pandey @ Mukesh Anand Pandey Son of Sri Mahesh Pandey,
Resident of Mohalla- Chandmari Road, Sheo Mandir Lane, P.S.-
Kankarbagh, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Pami Devi, Wife of Mukesh Pandey, Resident of Mohalla- Chandmari Road, Sheo Mandir Lane, P.S.- Kankarbagh, District- Patna and Daughter of Sri Kanhai Pandey, Resident of Mohalla- Maulaganj Nai Sarak, P.S.- Civil Line, District- Gaya

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Mishra, Advocate
: Mrs. Sandhya Sharma, Advocate
For the Opposite Parties : Mr. Prem Kr.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

7 08-11-2017 The petitioner seeks quashing of the order dated 29.10.2012 passed by the learned SDJM, Gaya in connection with Complaint Case No.1114 of 2011 filed by the Opposite Party No.2. The learned Magistrate as per impugned order took cognizance for the offence under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act against this petitioner and his parents.

2. Heard learned counsel for the petitioner and perused the record.

3. The Opposite Party No.2 is wife of this petitioner. She filed complaint case on the file of CJM, Gaya alleging inter-



alia that she was married with this petitioner in the year 1996. At the time of her marriage her parents had given articles worth Rs.50,000/- and cash amount of Rs.51,000/- as gift. The petitioner and his parents were not happy with the articles and gift which were given at the time of marriage and so they used to pass sarcastic language. The atrocities on the part of this petitioner and his parents exceeded and they brutally assaulted the Opposite Party No.2 and caused miscarriage. They threatened the complainant and demanded an amount of Rs.1,00000/- for keeping her well in their house. She has further alleged the atrocity of her husband and in-laws persisted till the date of filing of complaint petition. The matter was enquired by the Magistrate and in course of enquiry, the complainant and her witnesses supported the allegation of torture at the instance of this petitioner and his family members in connection with demand of dowry. The learned Magistrate after assessing the material on record, found prima-facie case and took cognizance against the petitioner and his family members as stated above.

4. The contention of the petitioner is that the petitioner was not married with the Opposite Party No.2. As a matter of fact negotiation for marriage had taken place and engagement ceremony was also performed but due to some reason, marriage



could not be performed. It was also submitted that the complaint case has been filed after eight years of alleged torture and so the cognizance is also barred by limitation. The defence as put forth cannot be taken into consideration at the time of taking cognizance. The petition filed on behalf of the parents of the present petitioner for quashing the cognizance has been dismissed by this Court on 03.07.2017 in Cr.Misc.No.24517 of 2014.

5. In view of above facts, I do not find any merit in this criminal miscellaneous application and the same is accordingly, dismissed.

(Sanjay Kumar, J)

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