

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36192 of 2014

Arising Out of Complaint Case No. -1080 (C)Year- 2010 Thana -PATNA COMPLAINT CASE
District- PATNA

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1. Lalita Devi wife of Kamla Rai
2. Kamla Rai, son of Late Janam Rai, resident of village-Bara, P.O.-Lakhni, P.S.-
Bihiya, District-Bhojpur (Ara) at presently residing at mohalla-Sainik
Colony, Gola Road, Danapur near Bank Colony, P.S.-Danapur, District-
Patna. Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Kumari, wife of Arvind Kumar @ Arvind Kumar Rai, daughter of
Birendra Kumar Singh, resident of mohalla-Takiyapar (Lakri tall), P.O.-
Danapur Kant, P.S.-Danapur, District-Patna Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate
For the O.P. No. 2 : Mr. Mritunjay Kumar, Advocate
For the State : Mr. H. Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-10-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 30.03.2011 passed by the learned Sub-Divisional Judicial Magistrate, Danapur (Patna) in Complaint Case No. 1080(C)/2010 whereby and whereunder the learned Magistrate finding *prima facie* case, took cognizance against these petitioners and other co-accused for the offence under section 498(A) of the Indian Penal Code.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. These petitioners are in-laws of opposite party no. 2.



The marriage of opposite party no. 2 took place on 14.05.2002 with the son of these petitioners. It has been alleged that immediately after marriage, her husband and in-laws started torturing. In the statement of complainant on solemn affirmation, I find that the Father and Uncle of opposite party no. 2 went at the place of these petitioners in order to settle the dispute but in vain. The petitioner no. 2 has retired from Military Service and is residing at mohalla Danapur fromwhere the opposite party no. 2 was ousted by these petitioners. The learned Magistrate after going through the material on record, found sufficient materials against these petitioners for their prosecution under section 498A of the Indian Penal Code. The husband of complainant (O.P. No. 2) has not appeared before the Court below, although, as submitted, he is in service. It has been submitted that these petitioners have suppressed about his whereabouts and in order to save their son from the criminal prosecution.

4. In view of above discussion, I do not find any merit in this criminal miscellaneous application. This application is accordingly, dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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