

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50462 of 2013

Arising Out of PS.Case No. -521 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Santosh Kumar Son of Shyam Nandan Yadav Resident of Village- Bhawan Bigha,
P.S.- Parasbigha In the District Of Jehanabad.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rajmati Devi @ Sangita Daughter of Hari Narayan Yadav Resident of Village-
Pandeychak, P.S.- Sakurabad in the district of Jehanabad

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 11-05-2017

Heard both sides.

The petitioner filed this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 13.09.2013 passed by learned Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 521 of 2012, whereby the learned Judicial Magistrate found prima facie case under Section 498A of the Indian Penal Code against the petitioner.

The complainant lodged a complaint case alleging therein that she was married to the petitioner on 04.04.2007 and she went to her Sasural, but her husband and other in-laws began to demand a motorcycle and Rs. 25,000/- along with ornaments.



The complainant was examined and the complainant also examined her witnesses. Learned Judicial Magistrate found prima facie case under Section 498A of the Indian Penal Code to proceed against the petitioner-husband vide order dated 13.09.2013.

Learned counsel for the petitioner submits that the complaint petition was filed only to put pressure on the petitioner. Prior to filing this complaint petition, the petitioner filed Matrimonial Case No. 60 of 2012 under Section 12(1)(c) of the Hindu Marriage Act for declaring the marriage of the petitioner solemnized on 04.04.2007 void, as on the day of marriage, the petitioner was only 14 years old. The petitioner filed matrimonial case after attaining majority. There is no marriage in the eye of law. When the complainant received notice of Matrimonial Case No. 60 of 2012, the complainant filed present complaint case on 20.06.2012.

In reply to the aforesaid submission, learned counsel for the opposite party no.2 submitted that the pendency of the matrimonial case cannot be a ground for quashing the order taking cognizance when the same does not suffer from any illegality. It is evident that the complainant has alleged that she was married to the petitioner on 04.04.2007 and she went to her Sasural, but her husband and other in-laws subjected her to different sorts of torture due to non-fulfillment of demand of dowry. The accused persons



drove her out from the house on 02.03.2011.

It appears that the complainant and her witnesses have categorically stated that the petitioner being the husband of the complainant subjected her to physical and mental torture due to non-fulfillment of demand of dowry. The pendency of the matrimonial case is no bar for registration of the complaint case and prosecution of the husband under Section 498A of the Indian Penal Code.

On the face of the order, I do not find any illegality. Accordingly, the quashing petition is dismissed.

(Prabhat Kumar Jha, J)

Mishra/-

AFR/NAFR	N.A.F.R.
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