

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39741 of 2013

Arising Out of PS.Case No. -73 Year- 2007 Thana -BARHARA District- BHOJPUR

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1. Renu Devi, W/O Basudha Singh, Resident of Village -Bakhorapur, P.S. Barhara, District Bhojpur, at Present Residing at Anuapa Garden, New Thipa Sandra, Indira Nagar, Bangalore.

2. Amresh Singh @ Amresh Kumar, S/O Late Basudha Singh, Resident of Village Bakhorapur, P.S. Barhara, District Bhojpur, at Present Residing at Anuapa Garden, New Thipa Sandra, Indira Nagar, Bangalore.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sushma Singh, D/O Shaligram Singh, W/O Amresh Singh, Resident of Village Bharkuria Kala, P.S. Suryapura, District Rohtas At Present Residing At Village Bakhorapur, P.S. Barhara, District Bhojpur (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 10-04-2017

Heard learned counsel for the petitioners and the learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 03.06.2008 passed in Barhara P.S. Case No. 73 of 2007, whereby the learned Chief Judicial Magistrate, Bhojpur at Ara, took the cognizance of the offence, under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, against the accused-petitioners, on perusal of the materials available in the case diary and charge sheet.

3. Learned counsel for the petitioners submits that, in



fact, both petitioners are mother-in-law and husband of the informant-opposite party no. 2 and they have falsely been implicated in this case. It is further submitted that, in fact, informant-opposite party no. 2 does not want to live with her husband (petitioner no. 2) and informant-opposite party no. 2 has filed Divorce Petition Case No. 53 of 2009 in the court of Principal Judge, Family court, Bhojpur at Ara.

4. On perusal of record, it appears that Barhara P.S. Case No. 73 of 2007 was instituted on 12.04.2004 on the basis of Complaint Petition No. 458 (C) of 2007 filed by the opposite party no. 2 and the same was transmitted, under Section 156 (C) of the Cr.P.C., to the concerned Police Station for investigation and submission of the charge sheet. As such, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise his defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
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