

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41626 of 2013

Arising Out of PS.Case No. -223 Year- 2011 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Ram Kamti Son Of Late Daho Kamti Resident Of Balia, P.S.-Birual,
Dist.-Darbhanga
2. Shanti Devi Son Of Ram Kamti Resident Of Balia, P.S.-Birual, Dist.-
Darbhanga
3. Shrawan Kamti Son Of Ram Kamti Resident Of Balia, P.S.-Birual, Dist.-
Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dona Devi W/O Puran Kamti Resident Of Village Barki Bhadhar P.S.-
Kusheshwar Sthan, Dist.-Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nadim Seraj

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-04-2017 The present petition has been filed for quashing the order dated 14-10-2011 passed by the learned Sub Divisional Judicial Magistrate, Biraul at Benipur in C.R. No. 223 of 2011/T.R. No. 772 of 2011, by which and whereunder, the learned court below took cognizance against the petitioners for the offence under Section-498A of the Indian Penal Code.

Heard learned counsel for the petitioner. In spite of issuance of notice, opposite party No. 2 did not appear.

It has been submitted on behalf of the petitioners that opposite party No. 2 has performed second marriage with one



Puran Kamti S/o Ramu Kamti sometime in the year, 2011 and in support of this, he filed typed copy of certificate issued by Sarpanch, vide Annexure-3 series.

From the impugned order, it appears that the court below after inquiry, found prima facie case u/S 498A I.P.C. and, took cognizance against the petitioners.

In such circumstances, this court is not inclined to quash the impugned order passed by the court below against the petitioners.

Accordingly, this Cr. Misc. Application is dismissed.

However, the petitioners are given liberty to move the lower court to pass appropriate order in accordance with law on the ground that opposite party No. 2 (complainant) has deserted the petitioner and has performed second marriage and in the event, the court below finds such submission correct, the court below shall pass appropriate order in accordance with law.

(Sanjay Priya, J)

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