

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45030 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -MAHILA P.S. District- MUZAFFARPUR

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Jawed Iqbal, son of Shoeb Ansari, resident of village-Zakariya Colony, Sadpura,
P.S.-Kazi Mohammadpur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Raunak Afroz @ Ladali, w/o Jawed Ekwal, D/o Md. Kamil Hussain, c/o Dr. Shamsul Hak, at present resident of NewColony, Mithanpura, P.S.-Mithanpura, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-03-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 30.05.2015 passed by the Sub-Divisional Judicial Magistrate, Muzaffarpur, in Mahila P.S. Case No.10 of 2015 (Tr. No.2301 of 2015) by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 498-a, 307, 323, 324 Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

From the Complaint Petition, which was sent to P.S. under Section 156(3) Cr. P.C., it appears that this petitioner is husband of the Complainant/informant. Complaint has been filed levelling allegation against this petitioner of committing physical and mental torture with her for demand of dowry and also causing injury



to her by assault.

From the impugned order, it appears that the police after investigation submitted charge-sheet against the petitioner and other accused on the basis of which cognizance has been taken by the learned Court below.

Counsel for the petitioner has submitted that in the instant case no offence under Section(s) 307 Indian Penal Code is made out. He has further submitted that the petitioner is ready to keep the wife-Opposite Party No.2.

This Court is of the view that both the plea can be taken by the petitioner in the Court below itself at the appropriate stage.

Therefore, this Court does not find any illegality in the impugned order passed by the learned Court below.

The application is **dismissed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07-04-2018
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