

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33686 of 2016

Arising Out of PS.Case No. -593 Year- 2010 Thana -PHULWARI District- PATNA

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Md. Nazre Alam @ Najir Alam, S/o Md. Hussain Azad, resident of Village-
Makhdoompur, Kodaria, P.S. Karza, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasrin Parween, D/o Late Amanullah, Resident of Village- Bhusola, Danapur,
P.O-Mobarkpur, P.S.- Phulwarisharif, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.
For the Opposite Party/s : Smt. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-08-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.5.2013 passed by learned Chief Judicial Magistrate, Patna, in Phulwari Sharif P.S. Case No. 593 of 2010 (G.R. No. 5867 of 2010) by which learned Magistrate took cognizance against the petitioner and other accused persons for the offences under Section 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. From the written report it appears that marriage of the informant with petitioner was performed on 5.3.2007. It is alleged



in the written report that informant was tortured in her *sasural* for demand of dowry and finally she was ousted from her matrimonial home by the accused persons after committing assault with her.

4. From the impugned order it appears that police after investigation has submitted charge sheet against the petitioner and other accused persons for the offence under Section 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

5. The Magistrate is only required to see *prima facie* case on the basis of allegation in the written report and material available in the case diary.

6. Therefore, this Court is not inclined to interfere with the impugned order.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The petitioner would be at liberty to raise points as made in this application at the time of framing of charge which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/08/2018
Transmission Date	2708/2018

