

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15873 of 2014

Arising out of Complaint Case No.-262-C Year-2010 Thana- WEST CHAMPARAN

COMPLAINT District- West Champaran

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Ajay Kumar, Son of Raghav Prasad, Resident of Village - Rampurwa, P.S.-
Malahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gitanjali Devi, wife of Ajay Kumar, Daughter of Bal Kanhaiya Prasad, At-
Mitra Chauck Ganj No. 2, Hospital Road, P.S. Betia Nagar, District- West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Prem Sheela Pandey, Advocate
For Opposite Party No.2 : Mr. Vipin Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 18-04-2018

Seeking quashing of an order dated 30th of
November, 2010 passed by the S.D.J.M., Bettiah, West
Champaran in a complaint case bearing No. 262-C of 2010
registered against the applicant under Section 498A I.P.C. read
with Sections 3 and 4 of the Dowry Prohibition Act, this
application has been filed under Section 482Cr.P.C.



Complainant-respondent is the wife of the present applicant and they were married on 25.11.2007. After marriage, it seems that allegations were made against the applicant for demand of dowry and harassment. Matrimonial disputes are pending. The petitioner husband has filed a case for dissolution of marriage on the ground of adultery, desertion etc. and the respondent wife has initiated proceedings for maintenance which is pending in the competent court of jurisdiction in the State of Bihar. However, in the meanwhile on the account of demand of dowry and harassment, the application has been filed and based on the evidence that came on record, cognizance has been taken.

Now, in this application the allegation made are that a false complaint has been lodged because the wife was having illicit relation. A complaint with regard to this was made and, therefore, to circumvent that complaint, on false allegation, the present proceedings, have been initiated.

Having heard learned counsel for the parties and on a perusal of the record, I find that in the complaint and in the statement of the complainant and her witnesses various allegations are made with regard to demand of dowry and harassment and looking to the nature of allegations made in the



complaint, it is not a fit case where, exercising the extraordinary jurisdiction under Section 482 Cr.P.C., at this stage, the complaint can be dismissed.

Accordingly, granting liberty to the petitioner to raise all the defence and objections before the trial court, where the matter is pending, the application stands dismissed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.04.2018
Transmission Date	24.04.2018

