

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1113 of 2016

Arising Out of PS.Case No. -37 Year- 2009 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Ajay Mallik @ Guddu Mallik, son of late Sona Mallik, resident of village- Naurangabad, Dom Toli, Police Station- Bettiah Town, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meena Devi, wife of Ajay Mallik @ Guddu Mallik and daughter of Mangali Mallik, resident of village- Fuldarwa, Police Station- Jagdishpur, District - West Champaran at Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.02.2011 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in Bettiah Town P.S. Case No.37 of 2009 by which the learned Magistrate has taken cognizance against the Petitioners for the offence under Section(s) 498-A, 494, 323, 504 Indian Penal Code.

Counsel for the Petitioner submits that another complaint vide Complaint Case No.2169-C of 2009 has been filed by the Informant and in that case Petitioner was summoned to face trial



for the offence under Section(s) 498-A Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The instant case has been filed on 15.02.2009, whereas, the Complaint Case was filed on 14.09.2009 for the occurrence of 20.03.2009.

In this manner, from the First Information Report of instant case and the Complaint Case, it appears that cause of action in both the cases are different.

The police in the instant case has submitted charge-sheet against the petitioner. Petitioner is husband of the Informant.

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

This application is, accordingly, **dismissed**.

The Court below will proceed with the case in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	15-09-2018
Transmission Date	15-09-2018

