

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5160 of 2016

Arising Out of PS.Case No. -34 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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Dilip Giri, Son of Ram Vinay Giri, Resident of village - Bathua, Police Station -
Mushri Gharari, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi, wife of Ganesh Mahto, Resident of Mohalla - Bakarganj
Nuntharwa, Police Station - Laheria Sarai, District - Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate.

For the Opposite Party/s : Dr. Kr. Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.03.2015 passed by learned Sub Divisional Judicial Magistrate, Darbhanga, in Mahila P.S. Case No. 34 of 2014 by which the learned Magistrate took cognizance against the petitioner for the offence under Section 376 of the Indian Penal Code.

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

3. It is alleged in the written report that petitioner used to come to the house of informant since last 6-7 years. It is



further alleged that petitioner by giving threat of murder of the informant and kidnapping her children, used to commit illegal act with the informant several times. On 27.03.2014 petitioner again called the informant in the hosue of Chhotuji and forcibly committed illegal act with her. The husband of the informant works in P.H.E.D. Madhubani on Muster Roll. Petitioner also started blackmailing the informant by sending photographs on Mobile. He has given threat to commit murder of her husband also.

4. The police after investigation has submitted charge sheet against the petitioner for the offence under Sections 494 and 497 of the Indian Penal Code.

5. The court below after looking into allegation in the written report and relevant paragraphs of the case diary has taken cognizance against the petitioner for the offence under Section 376 of the Indian Penal Code.

6. This Court does not find any illegality in the impugned order.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The petitioner is directed to raise all the points as raised in this petition at the time of framing of charge which will be



considered/disposed off by the court below in accordance with law
without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

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

