

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53493 of 2017

Arising Out of PS.Case No. -1787 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Priti Singh, wife of Binay Kumar Singh, Daughter of Dinesh Kumar Singh, resident of Ganesh Housing Colony, Bharuch, Police Station-Bharuch, District-Bharuch (Gujarat).

.... Petitioner

Versus

1. The State of Bihar &
2. Ritu Singh (C.C.P. from petitioner), presently at her father's place-Dr. Shivendra Kumar, Retd. Professor, ANMCH, Gaya, Resident of Police Line road, Police Station-Rampur, District-Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2
For the State : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-07-2018

Heard learned counsel for the petitioner and the State.

This application has been filed for quashing the order dated 18-12-2015 passed by learned Additional Chief Judicial Magistrate-IV, Gaya in Complaint Case No. 1787 of 2015, T.R. No. 3101 of 2017 by which, the learned Magistrate after holding inquiry u/S 202 Cr.P.C. has found prima facie against the petitioner for the offence under Section-498A of the IPC and $\frac{3}{4}$ of Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is married Nanad of the complainant. There is no allegation of any specific overt act against the petitioner in the entire complaint petition. Counsel for the petitioner has submitted that in the S.A. also,



no specific allegation of overt act has been attributed against the petitioner. Counsel for the petitioner further submits that continuance of proceeding against this petitioner in this case will be an abuse of the process of law. He relied upon a judgment of Hon'ble Supreme Court reported in *2012(10) SCC 741 (Geeta Mehrotra & Anr vs State Of Uttar Pradesh & Anr)*.

This Court, after looking into the allegation in complaint petition finds that there is no allegation of specific overt act against this petitioner.

Therefore, the impugned order dated 18-12-2015 passed in Complaint Case No. 1787 of 2015, T.R. No. 3101 of 2017 along with entire criminal proceeding against the petitioner is quashed.

This Cr. Misc. Application is accordingly, allowed.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-07-2018
Transmission Date	26-07-2018

