

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54015 of 2015

Arising Out of PS.Case No. -148 Year- 2014 Thana -NAUBATPUR District- PATNA

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Dr. Satyendra Kumar Srivastava S/o - Late Dinanath Prasad R/o Mohalla -
Mohanigali, Mangal Market (Patna), P.S. - Hawaii Adda, District - Patna.

..... Petitioner

Versus

1. The State of Bihar.
2. Smt. Madhu Srivastava D/o - Late Komal Lal, Wife of Dr. Satyendra Kumar Srivastava R/o Village - Chhotikopa, P.S. - Naubatpur, District - Patna.

..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-01-2018

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

2. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for quashing the order dated 18.05.2015 passed by the learned Judicial Magistrate, Danapur in Naubatpur P. S. Case No. 148 of 2014 by which the cognizance has been taken for the offences punishable under Sections 498-A of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.



3. I have heard learned counsel for the petitioner and learned counsel for the State and perused the record.

4. The informant has alleged in the FIR that she was married to the petitioner on 04.07.2013 and after marriage, the petitioner started subjecting her to cruelty in various ways for non-fulfillment of demand of Rs.50,000/- as dowry.

5. The allegations made in the FIR were found true during investigation and the charge-sheet was submitted against the petitioner on 28.02.2018 pursuant to which after going through the allegations made in the FIR, the statements of witnesses recorded under Section 161(3) of the Cr.P.C. and the summary allegation mentioned in the police report submitted under Section 173(2) of the Cr.P.C., learned Magistrate took cognizance of the offences and summoned the petitioner.

6. Learned counsel for the petitioner submitted that the allegations made in the FIR are not true. A false case has been instituted against the petitioner just in order to harass him due to matrimonial discord and incompatibility.

7. Be that as it may, this is not the stage when the Court can determine the falsity or genuineness of the allegations made in the FIR. The fact of the matter is that the allegations made in the FIR do attract the ingredients of a cognizable offence under which



cognizance has been taken and those allegations were found true in course of investigation, as the witnesses examined during investigation have fully supported the case of the prosecution.

8. In that view of the matter, I see no illegality in the order impugned. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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