

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45862 of 2014

Arising Out of PS.Case No. -290 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Dazy Devi Daughter of Ram Chandra Sharma resident of village - Chandra Kumar, P.S. - Barbiga, District - Nalanda.
 2. Manoj Sharma son of Late Saryug Sharma resident of village - Chandra Kumar, P.S. - Barbiga, District - Nalanda.

.... Petitioners

Versus

1. The State of Bihar.
2. Baby Devi Wife of Manoj Sharma resident of Village - Kona Sarai, P.S. - Murarpur, District - Nalanda.

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Yugal Kishore, Advocate
For the State : Mr. A.M.P. Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-07-2018

Heard learned counsel for the petitioners and the State.

This application has been filed for quashing the order dated 20-01-2014 passed by Sri Ran Vijay Kumar, learned Judicial Magistrate-Ist Class/A.M.II, Barh in Complaint Case No. 290(C) of 2013, by which, the learned Magistrate after holding inquiry u/S 202 Cr.P.C. has found prima facie against the petitioners for the offence under Sections-498A & 323 of the IPC.

It is alleged in the complaint petition that the complainant was married with petitioner No. 2 twenty years ago. She was tortured and was ousted from her matrimonial house, for which, she



lodged a criminal case bearing Barh P.S. Case No. 298 of 2004 against the petitioners and others wherein both parties have compromised the dispute and the case was disposed off. It is alleged that during pendency of the aforesaid case, the petitioner No. 2 stopped the relationship with petitioner No. 1 but after disposal of the aforesaid case, the petitioner No. 2 kept the petitioner No. 1 in a rented house and ultimately, brought petitioner No. 1 in his house. The petitioner No. 2 assaulted the opposite party No. 2 and after snatching her articles, ornaments etc. turned her out from her matrimonial house.

The court below has found prima facie case against both petitioners for offence under Sections 498(A) & 323 after holding an enquiry u/S 202 Cr.P.C.

This court does not find any illegality in the impugned order. Accordingly, this Cr. Misc. Application is dismissed.

The court below is directed to proceed in the case in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-07-2018
Transmission Date	20-07-2018

