

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8648 of 2016

Arising Out of PS. Case No.-75 Year-2014 Thana- SHRIKRISHNAPURI District- Patna

-
1. Premraj Chaudhary son of Late Bindeshwari Chaudhary
 2. Laxmi Devi wife of Premraj Chaudhary Both are residents of village- Pasnauli Gagan, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amita Mehta wife of Mithilesh Kumar, residents of village- Pasnauli Gagan, P.S.- Maharajganj, District- Siwan at present residing at North Shri Krishnapuri- 40 Sardar Patel Path, Police Station- S.K. Puri, District & Town- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 17-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 27.5.2015 passed by the JM, Patna in Shri Krishnapuri P.S. case no. 75 of 2014 by which learned Magistrate has taken cognizance for the offence under Section 498A IPC and Section 3/4 of the Dowry Prohibition Act against these petitioner along with husband.

Heard learned counsel for the petitioners and State.

Learned counsel for the petitioners has submitted that petitioners are father-in-law and mother -in-law of the informant.

In the written report, there is specific allegation against both these petitioners of committing physical and mental torture with the informant along with her husband.



The learned court below has mentioned in the impugned order that police after investigation submitted charge-sheet against these petitioners along with husband. Learned Magistrate after looking into the materials available in the case diary and allegation in the written report has taken cognizance against these petitioners along with husband for the offence under Section 498A and Section 3/4 of Dowry Prohibition Act.

The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned orders passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

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

The petitioners are given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the learned court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.09.2018
Transmission Date	21.09.2018

