

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3218 of 2016

Arising Out of PS. Case No.-2134 Year-2012 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Rahmat Ali, Son of Israil Sah, Resident of Village- Chhahu, P.S. Turpatti,
District- Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Suman Khatoon wife of Rahmat Ali, Daughter of Manu Sah, Resident of Village- Ahirouli Dubouli (Tola- Takia), P.S. Gopalpur, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Md.Fahimuddin (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 18-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 21.11.2012 passed by learned CJM Gopalganj in complaint case no. 2134 of 2012 by which learned Magistrate has taken cognizance for the offence under section 323,498A, 406/34 of the IPC and Section 3/4 of the D.P.Act against the petitioner and others.

Heard learned counsel for the petitioner, State and learned counsel for the opposite party no.2.

Petitioner is husband of the complainant.

In the complaint petition there is specific allegation against this petitioner of committing physical and mental torture with the complainant and also attempting to set her on fire.

Learned court below after recording the statement of the



complainant and other witnesses has found *prima facie* case against the petitioner and others for the offence u/s 323, 498A and 406/34 of the IPC and Section 3/4 of the DP Act.

Learned counsel for the petitioner has submitted that opposite party no.2 has performed second marriage. But there is no document to support the aforesaid allegation.

The court below is required to see *prima facie* case at the time of taking cognizance.

Therefore, this Court does not find any illegality in the impugned order. This Cr. Misc. petition is, accordingly, dismissed.

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

The petitioner is 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
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