

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.744 of 2016

Arising Out of PS.Case No. -6 Year- 2015 Thana -MAHILA PS District- JEHANABAD

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Rahul Dwivedi, S/o Kesh Nath Dwivedi, r/o- Mohalla Mahatma Gandhi Nagar, Bazar Samiti Road, Police Station- Town Thana, District- Buxar.

.... Petitioner/s

Versus

1. State of Bihar.
2. Priyanaka Gautam, w/o Rahul Dwivedi, Daughter of Prof. Bimal Kishore Mishra, r/o- Mohalla Mahatma Gandhi Nagar, Bazar Samiti Road, Police Station- Town Thana, District- Buxar, presently c/o Arun Kumar S/o Suresh Kumar, r/o-Wasilpur, P.S.- Arwal, Distt.- Arwal, Permanent address- Sarswati Niwas, 1st floor, Road no. 6/C, Rajendra Nagar, P.S. Kadam Kuan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Arun Kr. Singh-5, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 7.11.2015 passed by the learned Chief Judicial Magistrate, Arwal, in Mahila Arwal P.S. Case No. 6 of 2015 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 498(A), 323, 379 and 352 of the Indian Penal Code.

It is alleged in the written report that informant was married with the petitioner on 30.11.2013 according to Hindu rites and customs. She was being tortured by the husband and his family members for demand of dowry, for which, Buddha Colony P.S. Case



No. 151 of 2014 has been filed by the informant against the accused persons for the offence under Section 498A, 341, 323, 504/34 of the Indian Penal Code and Section 3 of Dowry Prohibition Act. The informant further alleged that family members of the petitioner were granted bail by court below and petitioner was granted provisional bail by order dated 12.02.2015 passed in Cr. Misc. 32376 of 2014 by a coordinate Bench of this Court with condition that he would keep the informant with him. Thereafter, petitioner took the informant with him from court itself to his place of posting. Thereafter, petitioner started torturing her and on 6.3.2015 he abused the informant. Informant protested then she was put down and thrashed by pressing neck, but anyhow she succeeded to save her life.

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

The petitioner is husband of informant. There is specific allegation against the petitioner. The police has submitted charge sheet against the petitioner finding the case true.

Therefore, this Court does not find any illegality in the impugned order.

This Criminal Miscellaneous application is accordingly dismissed.

Counsel for the petitioner submits that talk of settlement



is going on between the parties. Petitioner is given liberty to make offer for settlement with opposite party No. 2 and in the event opposite party agrees for settlement, the court below will pass appropriate order in accordance with law.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15/09/2018
Transmission Date	15/09/2018

