

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13054 of 2016

Arising Out of PS. Case No.-1147 Year-2014 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Gopal Lal Sah Son of Late Kishun Lal Sah
 2. Krishna Devi Wife of Gopal Lal Sah Both Resident of Mohalla-
Nakul Chand Lane, Mundichak, P.S.-Tilkamanjhi, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Sanjay Kumar Sah, D/O Sita Ram Sah Resident of
Daeharia, Naya Tola, P.s.-Katihar, District-Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar
For the Opposite Party/s : Mr. Anuradha Singh(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 18.6.2015 passed by the SDJM, Katihar in complaint case no. 1147 of 2014 by which learned Magistrate has taken cognizance for the offence under Section 498A IPC against these petitioners .

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 complainant.

There is specific allegation of physical and mental torture against these petitioners along with her husband.

The learned court below has after looking into alleation in



the complaint and statement of the witnesses including SA of the complainant has found *prima facie* case against these petitioners along with her husband for the offence under Section 498A.

The Court below is only required to see *prima facie* case at the time of holding enquiry. Therefore, this Court does not find any illegality in impugned order 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
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