

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24713 of 2013

Arising Out of PS. Case No.-9 Year-2012 Thana- GARDANIBAGH District- Patna

Binod Kumar S/O Late Ram Narayan Yadav Resident Of Mohalla- Saristabad
Naya Tola, P.S.- Gardanibagh, G.P.O., Patna- 800001

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Jaimala D/O Shri Chinta Mani Singh Resident Of Mohalla- Saristabad
Naya Tola, P.S.- Gardanibagh, P.O.- G.P.O., Dist.- Patna- 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-11-2018

Heard learned counsel for the petitioner; learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

2. The petitioner has moved the Court for the
following reliefs:

*“ That this is an application for quashing
the entire proceeding initiated by the court of
Learned Chief Judicial Magistrate, Patna in
GBH P.S. No.- 9 of 2012 and order dated
19.01.2013 by which the Learned Chief
Judicial Magistrate has taken cognizance
against the petitioner under Section 498
(A)/34 of I.P.C.”*

3. Learned counsel for the petitioner submitted that



the opposite party no. 2 has been making false allegations and this is a counter blast to the divorce case filed by him prior to filing of the present criminal case by the opposite party no. 2, who is his wife. Learned counsel further submitted that she is living in the matrimonial home and that he has also given his share to the opposite party no. 2 but because of her abnormal behaviour of abuse of the petitioner and his family members, he was forced to file for divorce. He further submitted that the Principal Judge, Family Court, Patna has recorded in its order that compromise could not succeed.

4. Learned A.P.P. and learned counsel for the opposite party no. 2 submitted that from the ordersheet of the Principal Judge itself it is clear that it was the petitioner who did not cooperate in the compromise and was adamant in not keeping the opposite party no. 2. It was further submitted that the opposite party no. 2 has been totally left out and there is no talk between the parties and also the son of the opposite party no. 2 from the petitioner is not given any support either financial or mental and even orders passed by the Court are not being complied with.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



Court does not find any ground to interfere. From the allegations made in the complaint of the petitioner before the police, the Court does not find that the same, at this stage, can be held to be totally false and frivolous and require to be quashed.

6. As the process of law has been set in motion, matters would proceed, in accordance with law. The petitioner has sufficient opportunity, at various stages, to put his case before the court concerned, which shall be taken due note of while passing order by the courts concerned, in accordance with law.

7. Accordingly, the application stands dismissed with the observations aforesaid.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

