

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2999 of 2016

Arising Out of PS.Case No. -572 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

1. Rajiv Shankar, son of Late Subodh Chandra Bosh, resident of mohalla
Mundichak, Police Station- Tilkamanjhi, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari, daughter of Niranjan Kumar Das, resident of Mohalla-Badi
Khanjarpur, Maharajaghat Road, P.S.-Barari, District- Bhagalpur.

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 12-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 02.06.2015 passed by the Chief Judicial Magistrate, Bhagalpur, in GR No.3115 of 2014 arising out of Kotwali P.S. Case No.572 of 2014 by which the learned Magistrate has taken cognizance against the petitioner along with other accused persons for the offence under Section(s) 498-A Indian Penal Code and Section 3 of the Dowry Prohibition Act.

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

None appeared on behalf of the Opposite Party No.2 although Opposite Party No.2 has appeared by filing vakalatnama.

Counsel for the petitioner submits that petitioner is maternal uncle of husband of the informant. There is general and



omnibus allegation against him in the written report.

From perusal of the written report, it appears that no specific overt act has been alleged against the petitioner. He has been described in the written report as maternal uncle of husband of the informant.

Learned Magistrate has mentioned in the impugned order that charge-sheet was not submitted against this petitioner, but still cognizance has been taken against this petitioner along with other accused persons.

This Court after perusing the allegation in the written report against this petitioner finds that there is no allegation of any specific overt act against him. The continuation of criminal proceeding against the petitioner will be mere harassment to him and abuse of process of law.

In view of such, impugned order dated 02.06.2015 passed by the Chief Judicial Magistrate, Bhagalpur, in GR No.3115 of 2014 arising out of Kotwali P.S. Case No.572 of 2014 along with entire criminal proceeding with regard to the petitioner is hereby quashed.

This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

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

