

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45754 of 2014

Arising Out of PS. Case No.-2542 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ashok Kumar Son of Ishwar Narayan Lal Presently residing at C/o Sri Avtar Singh, Village - Mirpur Mumbarikpur, (Near Ghaghar Railway Station), Tehsil - Dera Bassi, District- S.A.S. Nagar Mohali (Punjab)
 2. Sharwan Kumar Both are Sons of Ishwar Narain Lal
 3. Meena Devi @ Meena Kumari Wife of Shrawan Kumar, At present petitioner No. 2 and 3 are residing at 486, Krishna Enclave, Dhakoli, Zirapur, District- S.A.S. Nagar (Punjab) All are Permanent resident of village - Bhittha, P.S. - Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari Wife of Ashok Kumar, Daughter of Ramakant Sharan, presently residing at C/o Sri Avtar Singh, Village - Mirpur Mumbarikpur, (Near Ghaghar Railway Station), Tehsil - Dera Bassi, District - S.A.S. Nagar Mohali (Punjab)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar
For the Opposite Party/s : Mr. Sucheta Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10 03-07-2018 This petition has been filed under Section 482 Cr. P.C. for quashing of the order dated 08.04.2011 passed by SDJM, Patna in complaint case no. 2542 (C) of 2010 by which the learned Magistrate has found *prima facie* case against the petitioners for the offence under Section 498A of the I.P.C and Section 4 of Dowry Prohibition Act.

It is submitted that both husband and wife are living together after entering into an amicable settlement. Vide order dated 19.6.2018 passed by this Court both the parties were



directed to remain physically present in the Court but none of them are present.

Learned counsel for the petitioners also did not produce any document in support that both are living together as husband and wife. Learned counsel for the opposite party no. 2 has appeared and submitted that he has no instruction that husband and wife both are living together. The order of cognizance is taken on 8.4. 2011. This Court, therefore, does not feel it proper to keep this matter pending for such a long time. From the impugned order it appears that learned Magistrate has after holding enquiry on the basis of SA of the complainant and statement of the witnesses recorded during enquiry found *prima facie* case against the petitioners. Therefore, this Court does not find any illegality in the impugned order. This Cr. Misc. is, accordingly, dismissed.

Both husband and wife are granted liberty to appear in the Court below if they are living together and file necessary petition that they are living together as husband and wife. In that event, the Court below will dispose of the case in accordance with law as early as possible.

(Sanjay Priya, J)

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