

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22232 of 2017

Arising Out of PS.Case No. -901 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Dharmendra Kumar Singh, son of Lalan Singh, resident of Village-
Kakarahatta, P.S.- Bidupur, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Devendra Singh, son of Late Raypriti Singh, resident of Village-
Jasparha, P.S.- Tislaut, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 10-09-2018 It appears by the impugned order dated 06.06.2015

the learned Judicial Magistrate Ist Class, Vaishali at Hazipur has

found a *prima-facie* case under Section 498(A) of the Indian Penal

Code against the petitioner and he has been summoned.

Learned counsel for the petitioner submits that in fact

the petitioner had obtained divorce from the daughter of the

complainant and it is only after the order was passed by the

learned Principal Judge, Family Court, Sarguja at Ambikapur, the

present complaint case was filed at Hazipur. It is submitted that

the prosecution of the petitioner is nothing but an abuse of process

of court.



Learned counsel for the State is present and has opposed the prayer.

This Court has gone through the allegations made in the complaint petition and depositions. A bare reading of the same shows that there are some allegations against the petitioner and after going through those allegations and taking note of the deposition of the complainant and witnesses, if the learned Judicial Magistrate has found a *prima-facie* case for purpose of issuance of summons, at this stage it would not be just and proper for this Court to interfere with this case. No case for interference is made out.

The application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

Ved/-

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