

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37128 of 2013

Arising Out of PS.Case No. -268 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Imteyaz, son of Md. Istekhar, r/o village-Indrapuri, Bazidpur, P.S.-Barh,
District-Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Praveen Bano, wife of Md. Imteyaz & Daughter of late Nizamuddin, R/O
L.I.C. Road Indrapuri, Bazidpur, P.S.-Barh, District-Patna. At Present
Mogalpura Gultan Haidri, P.S.-Khajekala, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Singh, Advocate.
For the State	:	Mr. Zainul Abedin, A.P.P.
For the Opposite Party No.2	:	Mr. Ajay Kumar, Advocate.
		Mr. Mushtaque Roy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-07-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 29.07.2009 passed by the learned Sub Divisional Judicial Magistrate, Patna City, in Complaint Case No. 268 of 2009 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and six other accused persons for the offences under Sections 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner, learned counsel for the complainant (opposite party No. 2) and learned



counsel for the State.

3. Petitioner is husband of the complainant opposite party No. 2.

4. From the order sheet it appears that matter was earlier sent to Mediation Centre but mediation has failed. From the order sheet it also appears that this case is pending since 2013. The instant case was earlier dismissed for default by order dated 8.9.2017 and the same has been restored by order dated 16.07.2018.

5. Learned counsel for the opposite party No. 2 has submitted that in the Mediation Centre there was talk of one time settlement of giving Rs.2,00,000/- by the petitioner to the complainant (opposite party No. 2) but petitioner has not complied the aforesaid settlement.

6. Learned counsel for the petitioner has denied aforesaid submission made by opposite party No. 2. He submits that talk was made between the parties only for one time settlement of Rs.1,00,000/-. He further submits that he has offered for Rs.50,000/- and payment of Rs.50,000/- was made by the petitioner.

7. This Court after looking into the complaint petition finds specific allegation against the petitioner. The court below has during enquiry after recording Solemn Affirmation of the complainant and statement of witnesses found *prima facie* case against the



petitioner.

8. Therefore, this Court does not find any illegality in the impugned order.

9. This Criminal Miscellaneous application is accordingly dismissed.

10. The court below will proceed in the case in accordance with law. In the event petitioner intends to enter into compromise with the complainant, he will be at liberty to file necessary petition in the court below itself. In the event complainant also agrees for same and accept the offer made by petitioner, the court below will pass appropriate order in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/07/2018
Transmission Date	27/07/2018

