

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46529 of 2018

Arising Out of PS.Case No. -101 Year- 2016 Thana -OBRA District- AURANGABAD
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Jafir Alam son of Dastagir Alam, resident of Mohalla- Unchri,
Ward No- 1, P.O. & P.S.- Garhwa, District- Garhwa
(Jharkhand).

.... Petitioner

Versus

1. The State of Bihar.
2. Shahin Mukhtar Daughter of Md. Mukhtar Ahmed & wife of
Jafir Alam, resident of Mohallah- Islam Toli, P.O. & P.S.-
Obra, District- Aurangabad.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-10-2018

This application has been preferred seeking setting aside of the order dated 01.12.2017 passed by learned Sub-Divisional Judicial Magistrate, Daudnager, District - Aurangabad, corresponding trial no. 2873/2017 (G.R. No. 535/16) arising out of Obra P.S. Case No. 101/2016 for the offences under Section 498A, 379, 504 and 34 of the I.P.C. as also under Section 3/4 of the Dowry Prohibition Act.

The petitioner in the present case is the husband of opposite party no. 2 who has alleged demand of dowry and torture against the petitioner. Learned counsel for the petitioner submits that the



learned S.D.J.M., Daudnager has taken cognizance of the offences under Sections 498A, 379, 504 and 34 of the I.P.C. as also under Section 3/4 of the Dowry Prohibition Act without there being any material to support the allegations.

On the other hand, learned counsel representing the State submits that petitioner is the husband and sufficient materials have been found in course of investigation against him and it is because of such materials available on the record that the learned S.D.J.M. Daudnagar has taken cognizance and summoned the petitioner.

Learned counsel for the petitioner at this stage submits that the petitioner has filed a compromise petition vide Annexure-2 to the present application in the court of learned S.D.J.M. Daudnagar, District – Aurangabad, however the same has not been considered.

In the given facts and circumstances of the case, this court does not find any reason to interfere with the impugned order dated 01.12.2017 passed by the learned S.D.J.M., Daudnagar, District – Aurangabad. This application is therefore dismissed.



It is, however, observed that in case the opposite party no. 2 has settled the matrimonial dispute and comes out with a plea with regard to settlement in order to establish her matrimonial home, the learned court below will proceed with the same in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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