

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5422 of 2015

Arising Out of PS. Case No.-3 Year-2014 Thana- BHAGWANGANJ District- Patna

Ravi Shankar Son of Sri Narayan Singh Resident of Mohalla- Rajendra Nagar, Road No. 11/F, Plot No 41E, P.S. Kadamkuan, District Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jyoti Kumar D/o Suryadeo Singh, W/o Ravi Shankar At present Resident of Village - Kharauna, P.S. Bhagwanganj, Sub-Division- Masaurhi, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Adv
For the Opposite Party/s	:	Mr.Indeshwari Prasad Mandal, Adv.
For State	:	Mr. Jharkhandi Upadhayay, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 01-07-2019

Heard learned counsel for the parties.

2. This application under Section 482 Cr.P.C. is for quashment of order dated 26.05.2014 whereby the learned S.D.J.M., Masaurhi has taken cognizance against the petitioner for offences under Sections 323, 498A, 504, and 506 I.P.C. as well as under Section 3/4 of the Dowry Prohibition Act in connection with Bhagwanganj P.S.Case No.03 of 2014.

3. The FIR was lodged by opposite party No.2, the wife of the petitioner, alleging therein that she was being tortured by the petitioner and other inlaws for non-fulfillment of dowry demand.



4. Contention of the petitioner is that in fact the petitioner had lodged earlier case i.e. Kadamkuan P.S.Case No.337 of 2013 alleging therein that his wife (opposite party No.2) committed theft in the house and fled away alongwith the ornaments. Just to save the skin, the present FIR has been lodged with malicious intention. Next contention is that the stereotyped cognizance order would reveal that suffers from non-application of judicial mind.

5. Learned counsel for the opposite party No.2 submits that the opposite party No.2 is ready for restitution of conjugal life.

6. It shall be opened for the parties to come to settlement at any stage of the criminal proceeding.

7. The defence of the accused that the present case is counter blast to the earlier case can be examined at the appropriate stage of the trial and not at the stage of cognizance. The case diary would reveal that other witnesses have also supported the allegation against the petitioner. Hence, the impugned order cannot be faulted only on the ground that it has not referred or discussed the material collected during investigation.



8. Accordingly, this application has got no merit, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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