

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4315 of 2015**

Arising Out of P.S. Case No.-275 Year-2006 Thana- BAHERA District- Darbhanga

Rajendra Thakur, Son of Late Jai Lal Thakur, Resident of Village - Amaithi,
P.S. - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranju Devi W/o Rajendra Thakur, D/o Udneshwar Thakur Resident of Village - Amethi, P.S. - Bahera, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Shashi Shekhar Kishore, Mr. Shiv Pujan Sahay and Mr. Abhay Krishna, Advocates
For the State	:	Mr. Anil Kr. Singh No.1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-03-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this application is being filed for
Quashing of the order of Cognizance dated
16/10/2008 passed by learned A.C.J.M., Benipur,
Darbhanga against the petitioner in connection
with Bahera P.S. Case No. 275/2006 dated
09/12/2006 & G.R. No. 276/06 & Tr. No. 94/14 for
the offences punishable u/s 323/ 379/ 498A/ 494/
34 of the I.P.C. and u/s 3/4 of the D.P. Act which is
pending in the Court of Learned S.D.J.M., Benipur,
District- Darbhanga.”*



3. The petitioner is the husband of opposite party no. 2.

4. Learned counsel for the petitioner submitted that he has been granted divorce by judgment and decree dated 29.09.2007 and, thus, there being no husband-wife relationship, the cognizance order is bad. On a direct query of the Court as to how the issue of divorce is relevant in the present case since the F.I.R. is much prior to the grant of the decree of divorce, that too, ex-parte, learned counsel did not have any answer.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds no merit in the present application. The Court below on the basis of materials before it has taken cognizance which, at this stage, cannot be said to be bad, either on facts or in law.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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