

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26965 of 2019

Arising Out of PS. Case No.-342 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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AMIT KUMAR THAKUR Son of Yogendra Thakur, Resident of Village-
Narayanpur, Ward No.-3, P.S. Narayanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari, Wife of alleged Amit Kumar Thakur, Resident of Village-
Narayanpur, Ward No. 3, P.S. Narayanpur, District- Bhagalpur, presently
resident of Gauripur, Ward no. 12, P.S.- Singheshwar, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Ms.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-12-2019 Heard learned counsel for petitioner and learned counsel
for the State.

The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short ‘the Code’), has been filed for quashing the order dated 03.11.2017, passed by learned Sub-Divisional Judicial Magistrate, Madhepura, in Complaint Case No. 342 of 2017, by which the learned Magistrate has taken cognizance against the petitioner and others for the offence under Sections 323,498(A), 312/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

Relying upon a certificate issued by ‘*Mukhiya*’ and other members of the village, the petitioner’s counsel submits that the



marriage was never solemnized, and as such, the offences under Section 498A of the Indian Penal Code and other allied offences including offences under the Dowry Prohibition Act are not made out. The issues raised by the counsel for the petitioner is essentially a factual issue. The veracity of the certificate has to be established and the factum of marriage has to be ascertained at the Trial.

This Court, while exercising jurisdiction under Section 482 of the Code, would not be right in going into these issues.

The application is, therefore, dismissed.

(Madhuresh Prasad, J)

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