

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82859 of 2019

Arising Out of PS. Case No.-3348 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MEENA DEVI W/o Sri Ram Bahadur Sah Resident of Mohalla- Gola Road, Danapur, P.S.- Danapur, District- Patna.
 2. Ram Bahadur Sah S/o- Mithu Prasad Resident of Mohalla- Gola Road, Danapur, P.S.- Danapur, District- Patna.
 3. Madhuresh Kumar Gupta S/o Sri Ram Bahadur Sah Resident of Mohalla- Gola Road, Danapur, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Minakshi Kumari W/o Pankaj Kr. Gupta, D/o Dinesh Prasad Sah At present residing in Mohalla- Mitra Mandal Colony Anishabad, P.S.- Phulwarisharif, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-12-2019 This application has been filed by the petitioner for quashing the order dated 26.09.2018 passed by Smt. Tanveer Kaur, learned Judicial Magistrate -1st Class, Patna in Complaint Case No. 3348C/18, whereby and whereunder, finding a prima facie case against the petitioners has issued processes against them for the offence punishable under Section 498A of the Indian Penal Code.

Facts in short is that opposite party no. 2 has filed a complaint petition making the petitioners accused under Section



498A and other Sections of the Indian Penal Code as well as under Section 3 /4 of the Dowry Prohibition Act alleging therein that she was married with the son of petitioner no. 1 and at the time of marriage, several articles were given as dowry but after marriage, petitioner no. 1 started taunting her causing mental torture to her and also making allegation that less dowry has been given to them. Further allegation is that she was tortured in various ways by the accused persons and petitioner nos. 1 and 3 stopped her from talking with her family members on phone and accused persons also started abusing her. It has also been alleged that she became pregnant and there was huge discharge of blood and due to wrong medicine given by her husband, she used to become unconscious. Further allegation is that petitioner no. 2 pressurized her parents for demand of money to purchase a flat. It further appears that there are allegation against other accused persons and it is specifically stated that petitioner nos. 1 and refused to keep her.

After enquiry, process were issued finding a prima facie case under Section 498A of the Indian Penal Code against the petitioners.

Submission of learned counsel for the petitioners is that there is no specific allegation attributed to the petitioners



and continuance of the proceeding will only be an abuse of process of the court, which has been held by the Hon'ble Supreme Court in several judgments.

Heard learned A.P.P. and perused the records, from which, it appears that there are allegation against the petitioners and for sufficiency or insufficiency of evidence, the petitioners always have liberty to raise their points at the time of framing of charge or at an appropriate stage.

Considering the same, I do not find any merit in the present application and the same is accordingly disposed of with liberty to the petitioners to raise their pointes at the time of framing of charge, which will be considered by the learned Trial Court by passing a detailed order on the basis of materials available on record.

(Vinod Kumar Sinha, J)

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