

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78439 of 2019

Arising Out of PS. Case No.-2051 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MOINUL HODA Son of Ashraful Hoda Resident of Village - House no.A/64,
Road No. B/5 Alinagar Colony, Ward No.10, Anishabad, P.S.- Gardanibagh,
Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Farha Rahim W/o Moinul Hoda, D/o Late M.M. Rahim Resident of Village -
Galaxi House Iqbal Hassan, Road, Mehdi, Hasan Chauk, P.s.- Brahampura,
Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Satyavrat Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2019 Heard the parties.

This application has been filed for quashing of order dated 25.10.2018 passed by the learned ACJM II, Muzaffarpur in Complaint Case No.2051 of 2018 Trial No.270 of 2019 whereby and whereunder the processes have been issued against the petitioner after finding *prima facie* case against the petitioner under Section 498A of the Indian Penal Code.

From perusal of the record, it appears that a complaint case was filed against the petitioner stating that the marriage of the complainant was solemnized with the petitioner on 23.7.2019 but thereafter the petitioner started demanding



Scorpio Car and due to that she was subjected to cruelty and misbehaved and ousted her from the house. It further appears that after inquiry finding the *prima facie* case under Section 498A of the IPC, the processes have been issued against the petitioner.

Grounds for quashing is that the complainant is himself residing separately and the allegation of demand and torture is false and concocted.

Heard learned APP.

So far the quashing under Section 482 of the IPC is concerned, it is well settled that the same can be used only sparingly if no case is made out from the materials available on the record or there is abuse of the process of the court or for the ends of the justice and on perusal of the record, it appears that there is *prima facie* case against the petitioner.

In view of the above facts I find no merit in this case accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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