

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82337 of 2019

Arising Out of PS. Case No.-1042 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Harish Chandra Das, Son of Indradev Das, Resident of Village/Mohalla - Gandhi Path, Buchar Sah Hathi Tola, Ward No. 08, P.S. - Saharsa, District- Saharsa.
 2. Arun Devi @ Aruna Devi @ Aruna Kmari, Wife of Harishchandra Das Resident of Village/Mohalla - Gandhi Path, Buchar Sah Hathi Tola, Ward No. 08, P.S. - Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neelam Kumari, Wife of Aman Kumar @ Rohit Kumar, Resident of Mohalla - Gandhi Path, Buchar Sah Hathi Tola, Ward No. 08, P.S. - Saharsa, District- Saharsa. Presently Resident of Village - Bakhri, Ward No. 11, P.O. - Dhamsaina, P.S. - Sour Bazar, District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-12-2019 This application has been filed against the order dated 03.09.2019 passed by the learned S.D.J.M., Saharsa, in Complaint Case No. 1042 (C) of 2018, by which, after enquiry, the learned S.D.J.M, Saharsa has found a *prima facie* case under Sections 498A, 323 of IPC and Section 3/4 of Dowry Prohibition Act.

It appears from the perusal of the record that petitioners are named in the complaint case. Petitioners happens



to be the father-in-law and mother-in-law and complaint petition disclosed the allegation against them of demand as well as torture to the complainant.

The ground for quashing is that only after 14 days of the marriage, the complainant has found having foetus and when they enquired about the same, the present case has been lodged. Further submission is that earlier a case has been filed by the petitioners' side for declaring the marriage null and void, but without considering the same, process has been issued against the petitioner, which will be only an abuse of the process of the Court.

On the other hand, learned APP has opposed this application on the ground that from perusal of the complaint petition, a *prima facie* case is made out against the petitioner and so far allegation against the complainant and lodging of the case for declaring the marriage null and void, those cannot be looked into at this stage, as such, this application is devoid of merit and is liable to be dismissed.

Having heard both sides, from perusal of the record it appears that earlier *prima facie* allegation against both the petitioners of demand as well as torture and accordingly, cognizance has been taken, as such, I find no merit in this



application.

Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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