

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82351 of 2019**

Arising Out of PS. Case No.-1020 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

Mukesh Kumar, Son of Late Mahesh Prasad Gupta, Resident of Village-
Chaundi P.S.- Barh District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Gupta, Wife of Mukesh Kumar, D/o Kamta Prasad Gupta, at present
Resident of Village- Pachhahati, P.S.- Bodh Gaya District- Gaya

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

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

Petitioner in the present case is the husband of the
opposite party no.2. He is seeking quashing of the order taking
cognizance dated 12.06.2014 passed by the learned S.D.J.M.,
Gaya in Complaint Case No.1020 of 2013, Trial No.2025 of
2015. By the impugned order, the learned S.D.J.M. has taken
cognizance of the offence under Section 498(A) of the Indian
Penal Code read with Section 4 of the Dowry Prohibition Act.

It appears on perusal of the records that the order
taking cognizance has been passed as back as on 12.06.2014 on
the basis of the allegations made in the complaint petition which



were supported by the complainant in course of her solemn affirmation and the enquiry witnesses had also supported the allegations. In the complaint petition there are allegations of demand of dowry and it is alleged that after first settlement when the opposite party no.2 visited her Sasural she was not allowed to enter and the accused persons were demanding money by way of dowry.

It is the contention of learned counsel for the petitioner that the petitioner has always cooperated towards restoration of the matrimonial relationship with the complainant but it is the complainant who is not ready to live with the petitioner and that is the main reason of dispute between the parties.

In the given facts and circumstances of the case where this Court finds from perusal of the complaint petition that there are allegations against the petitioner who is the husband of opposite party no.2 and the said allegation has been supported by the complainant and other witnesses in their depositions, this Court is of the considered opinion that a prima-facie case having been made out, if the learned S.D.J.M. has taken cognizance of the offence alleged and decided to issue summon to the petitioner, it would not be just and proper and in accordance



with law to interfere with the order taking cognizance and issuance of summon at this stage that too after about five years.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

