

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86214 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHILA PS District- Khagaria

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1. Harish Prasad Shukla, Son of Late Rajendra Prasad Shukla, Resident of Village - Kurta Dudhani, P.S. and District- Dumka (Jharkhand)
 2. Mithilesh Kumar Shukla @ Mithilesh Kumar, Son of Harish Prasad Shukla, Resident of Village - Kurta Dudhani, P.S. and District- Dumka (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Masum Kumari, Wife of Brajesh Kumar Shukla @ Brajesh Kumar, D/O - Late Rajesh Tiwari, Resident of Village - Rahimpur, Charkhuti, P.S.- Muffasil, District- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-01-2020 This application has been filed for quashing of the order dated 06.08.2019 passed by the learned S.D.J.M., Khagaria in Mahila P. S. Case No. 16 of 2019 and G.R. No. 630 of 2019, by which, cognizance under Section 498A/34 of IPC as well as Section 3/4 of Dowry Prohibition Act has been taken against the petitioners and other accused persons.

Learned counsel for the appellant has come before this Court for quashing of the order on the ground that no specific allegation has been mentioned against the petitioner, who happens to be the father-in-law and brother-in-law. Further submission is that earlier in an application filed by the husband



of the informant under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, the order for restitution of the conjugal rights has been passed. But thereafter, the present case has been lodged but the learned S.D.J.M. has taken the cognizance in a mechanical manner.

However, after some arguments, learned counsel for the petitioner seeks permission to withdraw this application with liberty to raise all his points before the learned trial court at the time of framing of charge by filing a discharge petition.

Heard learned APP also.

In view of the submissions, made above, this application is dismissed as withdrawn with liberty to the petitioner to raise his all points at the time of framing of charge either by filing a discharge petition or by any other way, the same shall be considered by the learned trial court on the basis of the materials available on the record including the case diary and be disposed of any such application filed by the petitioner by a reasoned order.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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