

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2141 of 2020**

Arising Out of PS. Case No.-1635 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Manoj Gupta @ Manoj Kumar Gupta S/o Godhan Gupta R/o village- Farsaha,
P.S.- Vijaypur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Manoj Kumar Gupta, D/o Dhaneshar Gupta R/o village-
Palsaha, P.S.- Vijaypur, District- Gopalganj, At present Resident of Village-
Pagara, P.S.- Vijaypur, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-01-2020 This application has been filed for quashing the order dated 12.06.2019 passed in Trial No. 2262 of 2019 arising out of Complaint Case No. 1635 of 2018 passed by learned Additional Chief Judicial Magistrate-IV, Gopalganj, taking cognizance under Section 498(A) of the Indian Penal code and issued process against the petitioner.

Case in short is that complainant has lodged a complaint case no. 1635 of 2018 against the petitioner that her marriage was solemnized on 12.12.2016. After some days of marriage the petitioner started demanding one motorcycle from her father and on protest tortured her told to solemnize another marriage with another lady. Later on, she was sent back to her



Maika, that is also mentioned in the complaint petition.

It further appears that after the examination of the complainant and statement of the witnesses, finding a prima facie case against the petitioner, issued process against this petitioner, which has been challenged by the petitioner in the present case.

Submission of learned counsel for the petitioner is that prior to marriage she was pregnant and as such, the marriage is not a valid marriage and suppressing the pre-marital relationship and of pregnancy at the time of marriage, the complaint case has been filed and without considering the above facts, the learned Magistrate has issued processes against the petitioner.

It has further been submitted that the High Court has ample power to examine these materials as to whether there is an abuse of the process of the court due to suppression of the fact.

Heard learned A.P.P. who has opposed this application on the ground stating that there are sufficient materials and prima facie materials available on the record.

Having heard both sides and perused the record from which the petitioner has not denied the marriage and further



there is demand of motorcycle and torture with her. The stand of the petitioner that she was pregnant at the time of marriage, as such, the marriage was not valid, it is defence of the petitioner and that can not be looked at the time of issuing processes as per settled by law.

In view of the above discussion, I find no merit in this application. As such this application is dismissed.

(Vinod Kumar Sinha, J)

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