

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11276 of 2021

Arising Out of PS. Case No.-432 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. KRISHNA SAB @ KRISHNA SAH @ TIK TIK SAH Son of Late Shiv Shankar Sah Resident of Village- Rampur Karkhana, Adarshnagar Gudri, Ward No.-3, House No.149, P.S.- Rampur, Distt- Dewariya (U.P.)
 2. GEETA DEVI W/o Krishna Sab @ Krishna Sah @ Tik Tik Sah Resident of Village- Rampur Karkhana, Adarsnagar Gudri, Ward No.3, House No.149, P.S.- Rampur, Distt- Dewariya (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. INDU KUMARI W/o Sonu Sah, D/o Ram Prasad Sah Resident of Village- Pirganj, Post- Sahra, P.S.- Patori and Distt- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey,
Mr. Jay Ram Prasad, Advocates.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-04-2022 Heard Mr. Arvind Kumar Pandey, learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned APP for
the State.

2. The present application has been filed for quashing
the order dated 18.08.2017 passed by learned SDJM,
Samastipur in Complaint Case No. 432/2017 whereunder
cognizance against the petitioners under Sections 498A/34 of
the IPC read with Section 4 of Dowry Prohibition Act has been
taken.

3. Learned counsel for the petitioners submits that the



petitioner no. 1 is father-in-law and petitioner no.2 is mother-in-law of the complainant and from perusal of the complaint, it would be evident that no *prima facie* case is made out against the petitioners and the learned Magistrate has taken cognizance in mechanical manner and without application of judicial mind.

4. Having heard the learned counsel for the parties and after perusal of the complaint as well as the deposition of the witnesses recorded during course of enquiry, I find that, *prima facie*, case under Sections 498A/34 of the IPC read with Section 4 of Dowry Prohibition Act is made out against the petitioners and there is no infirmity in the order taking cognizance by the learned Magistrate.

5. Accordingly, the present application is, hereby, dismissed.

(Anil Kumar Sinha, J)

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