

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55214 of 2021

Arising Out of PS. Case No.-285 Year-2015 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Ambika Soni Wife Of Sushil Gupta @ Sushil Kumar Gupta Resident Of Village- Gulalpur, Police Station- Muffasil, District- Munger
 2. Sushil Gupta @ Sushil Kumar Gupta Son Of Late Subelal Tanti Resident Of Village- Gulalpur, Police Station- Muffasil, District- Munger
 3. Raj Kumar Tanti Son Of Sarjug Tanti Resident Of Village- Chhoti Daulatpur, Police Station- Jamalpur, District- Munger

... .. Petitioners

Versus

1. The State of Bihar
2. Dimpal Kumari Wife Of Sri Sanjay Kumar Gupta, D/O Awadhesh Tanti Resident Of Village- Bari Ashikpur, Police Station- East Colony Jamalpur, District- Munger

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-04-2022 Heard counsel for the parties.

2. The petitioners want quashing of the order dated 15.6.2021 passed by the learned Sessions Judge, Munger in Cr. Revision No. 99 of 2019 as also for quashing of the order dated 218.2019 passed by learned Sub-divisional Judicial Magistrate, Mugner by which the discharge petition preferred in connection with the Complaint Case No. 285(C) of 2015 was dismissed.

3. As per complainant Dimple Kumari, she was married to one Sanjay Kumar Gupta and the marriage was



solemnized on 8.11.2008. Soon after her marriage, she observed that her husband had illicit relationship with the petitioner no.1 herein. When she protested, she was beaten/tortured and it is alleged that the accused persons demanded Rs. 2 lakh. She has further stated in the complaint that in between this, she gave birth to two sons in 2009 and 2011. Both the children are being kept and maintained by her “Maika” people. Further allegation by her is that on 23.7.2010, the family members of her husband including the petitioner no.1 tried to pour kerosene oil and put her on fire but in the meantime, her mother and brother came to her home and in this way they saved her life. Her further allegation is that her sister-in-law too were part of the torture that was being committed on her. Lastly, she submits in her complaint that on 15.3.2015, when she arrived her husband’s place, the accused persons assaulted her and further ousted her from the house and forced her to sign a document stating that she is taking all her valuable things from the home and is earning Rs. 50,000/- per month. It was in this way that she chose to prefer the complaint.

4. The learned Sub-divisional Judicial Magistrate, Munger after going through the complaint the statements of the witnesses took cognizance under section 498 of the Indian Penal



Code and 3/4 of the Dowry Prohibition Act on 28.2.2016.

5. The petitioners herein thereafter, preferred discharge petition on 1.3.2019 which was heard and rejected by the learned Sub-divisional Judicial Magistrate, Munger vide an order dated 21.8.2019.

6. The petitioners, thereafter, chose to file Revision Petition before the learned Sessions Judge, Munger vide Cr. Revision No. 99 of 2019. The learned Sessions Judge after going through the entire material, cognizance order as also the order passed in the discharge petition held that for the present the court below has only to see whether there is prima facie case or proceeding against the accused persons are made or not. The learned Sessions Judge further held that there is sufficient material against the accused persons herein and accordingly, the discharge petition preferred by them was rejected. The learned Sessions Judge as such held that the order passed by the learned court below needs no interference and accordingly, vide an order dated 15.6.2021 dismissed the revision application.

7. The petitioners, thereafter, chose to invoke Section 482 of the Code of Criminal Procedure, challenging the said order dated 15.6.2020.

8. This Court has gone through the cognizance order



dated 21.8.2019 by the learned court below as also the order dated 15.6.2021 passed by the learned Sessions Judge, Munger in Cr. Revision No. 99 of 2019 and finds that the order passed by them against the petitioners herein is just and proper, need no interference and is fit to be dismissed.

9. The application under section 482 of the Code of Criminal Procedure preferred by the petitioners is hereby dismissed.

(Rajiv Roy, J)

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