

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.325 of 2022**

Arising Out of PS. Case No.-232 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Vishwajeet Soni @ Vishwajeet Kumar Soni Son of Sri Ramanuj Prasad Soni
Resident of Jagdeo Nagar, Bypass Gaya Road, Aurangabad, Police Station-
Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi @ Verma Manju Ben Wife Of Vishwajeet Soni Resident of
Jagdeo Nagar, Bypass Road, Aurangabad, District- Aurangabad, at present-
Daughter of Mohan Lal Verma, Resident of Village and Post Office- Godari,
Police Station- Karakat, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
Date : 24-11-2022

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application has been filed for quashing
the order dated 19.02.2018 passed by learned Sub Divisional
Judicial Magistrate, Bikramgaj, Rohtas in Complaint Case No.
232 of 2017 by which he has taken cognizance of the offence
under Sections 323 of the Indian Penal Code & Section 4 of the
Dowry Prohibition Act.

3. The complainant– Manju Devi in her complaint
petition has alleged that the petitioner along with the in-laws of



the complainant tortured her physically as well as mentally for demand of Rs. 1,00,000/- and a motorcycle as a dowry. It is further alleged that the petitioner ousted the complainant from her matrimonial home.

4. Learned counsel for the petitioner submits that the learned Magistrate has passed order of cognizance in a mechanical manner with appreciating the evidence. He further submits that in fact the complainant refused to live with the petitioner due to age difference between the petitioner and the complainant. He next submits that no case under Section 323 of the I.P.C. is made out against the petitioner.

5. Having heard learned counsel for the petitioner and after going through the impugned order and the material on record, it appears that the learned S.D.J.M. after going through the records of the case, S.A. of the complainant on oath as well as evidence of inquiry witness has taken cognizance against only one accused person (i.e. petitioner) out of four accused finding *prima facie* case true against him under Section 323 of the I.P.C. & Section of the 4 D.P. Act and sent him for trial. There is no infirmity and/or illegality in the order of cognizance warranting interference by this Court.

6. Upon hearing the parties and the finding in the



impugned order, this Court finds no illegality in the order and no interference is required by this Court.

7. In view of the matter, this quashing application stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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