

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81378 of 2019

Arising Out of PS. Case No.-1841 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANOJ KUMAR SINGH S/o Late Ram Bilas Singh Resident of Kumar Colony, Maharani Road, P.O.- Gaya, P.S. - Kotwali , Distt.- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anuradha Kumari W/o Manoj Kumar Singh R/o Mohalla- Gannipur, Mishra Tola, P.S.- Kajimohammadpur, Distt.- Muzaffarpur and Posted as- Sub Inspector of Police. P.S.- Hajipur, Dist.- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Kumar Mishra
For the Opposite Party/s	:	Mr.Anil Kumar
		Mr.Gaurav Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 23-06-2022 This application has been filed for quashing of order dated 18.09.2017 passed by learned Sub-Divisional Judicial Magistrate, East Muzaffarpur in Complaint Case No. 1841 of 2017). By the said order, the learned Magistrate has directed the complainant to file requisite within a week and issued summons against petitioner and other co-accused under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

As per the prosecution case, the complainant was married with petitioner in the year 2015 and from the wedlock, one child was born, but it is alleged that all the family members



including this petitioner committed physical and mental torture with the complainant due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that neither petitioner nor his family members committed any torture with the complainant. In fact, the complainant, who is Sub-Inspector of Police and by misutilizing the official power, has falsely implicated petitioner and his entire family members in the aforesaid case. Learned counsel for the petitioner further submits that the present complaint case is in retaliation of an informatory petition, which was filed by the petitioner prior to the present case against the complainant, but the learned Magistrate, in a mechanical manner, has passed the impugned order, which is required to be set aside.

However, learned A.P.P. for the State vehemently opposes the petition and submits that learned Magistrate has committed no error in passing the impugned order.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. I do not find any error in the order of learned Magistrate. So far as merit / demerit of the case is concerned, it cannot be tested at this stage. Defence of the petitioner will be seen at the stage of trial.

Considering the aforesaid facts and circumstances, this



Court does not find any error in the order impugned and as such,
the petition stands dismissed.

(Prabhat Kumar Singh, J)

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