

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15385 of 2021

Arising Out of PS. Case No.-977 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. SANJAY GOSWAMI S/O Ram Swaroop Goswami Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada.
 2. RAM SWAROOP GOSWAMI S/O Late Bhagwan Das Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada.
 3. PINTU GOSWAMI S/O Ram Swaroop Goswami Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada.
 4. PUJA DEVI W/O Pintu Goswami Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada.
 5. PRAMILA DEVI W/o Ram Swaroop Goswami Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Kusum W/O Sanjay Goswami, D/O Late Shantanu Goswami Resident of village - Rajapur Indaul, P.S. - Akbarpur, Post Nemdarganj, District - Nawada. At present R/O Village - Chakand Bazar, Post - Chakand, P.S. - Chandauti, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-09-2023 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

2. Heard learned counsel for the petitioner as well as learned APP for the State.

3. This application has been filed for quashing of the order dated 04.08.2016 passed in connection with Complaint



Case No. 977 of 2016, (Tr. No. 3812/2016) passed by learned Sub Divisional Judicial Magistrate, Gaya, whereby and where under he has found prima facie case for the offences under Section 323, 498A of Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act against the petitioners.

4. It is a case of a matrimonial dispute. The informant/complainant has levelled allegation against the petitioners that they tortured her for non-fulfillment of demand of dowry.

5. Vide order dated 04.08.2016, the learned SDJM, Gaya has issued summons to the petitioners.

6. The learned counsel for the petitioners has submitted that for the same offence, the complainant has also filed a complaint petition before the learned CJM, Gaya. During existence of the case instituted by the informant in police station, the complaint before the learned CJM is nothing but an abuse of process of the Court.

7. The provisions of Section 210 of the CrPC addresses the situation, if a complaint case is filed for the same offence relating to which a police case has already been filed.

8. Merely because a complaint is also in existence, the present case cannot be said to be an abuse of process of Court.



9. In my view, the impugned order needs no interference by this Court.

10. With these observations, this criminal miscellaneous petition is disposed of.

11. Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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