

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11237 of 2021

Arising Out of PS. Case No.-455 Year-2014 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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JAINENDRA KUMAR GUPTA @ JAINENDRA PRASAD GUPTA @
JAINENDRA KUMAR Son of Late Chandrdev Prasad Gupta Resident of
Village - Sirisiya Khurd, P.S.- Adapur, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Wife of Bhola Prasad Sah Resident of Village - Dalpat Bishunpur, P.S.- Dhaka (Pachpakri), Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Anil Kumar
For the Opposite Party/s	:	Ms. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 14-09-2023 Heard the learned counsel for the petitioner.

2. The present application has been preferred by the petitioner under Section 482 of the Code of Criminal Procedure for quashing of the order dated 03.12.2019 passed by the learned Sessions Judge, East Champaran at Motihari, confirming the order dated 01.10.2019 passed by the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka in Trial No. 520 of 2019.

3. It is a case of matrimonial dispute.

4. The complainant is wife of the petitioner. She filed a complaint petition, alleging therein that she was married to the petitioner in the year 2010. At the occasion of the marriage, Rs.10 lacs were spent by father of the complainant. At the time of *bidagri*, the accused persons, including the petitioner,



demand a four-wheeler. It was not within the affording capacity of the complainant's father. He expressed his inability to fulfil the demand. After some time of the marriage, the behaviour of the husband became worse. The complainant had also alleged that the petitioner had illicit relation with her *bhabhi* and when she objected, the atrocities inflicted on her were intensified.

5. The learned Sub-Divisional Judicial Magistrate, after inquiry, issued summons to the accused persons, including the petitioner. After appearance of the petitioner and other accused persons, four witnesses were examined before the charge. Meanwhile, a petition under Section 245 of the Cr.P.C. , as mentioned above, was preferred by the petitioner for his discharge, which was rejected vide the order dated 30.09.2019 and was also confirmed by the revisional order of the Sessions Judge dated 03.12.2019.

6. Mr. Y.C. Verma, the learned senior counsel for the petitioner has submitted that the complainant has lodged this frivolous complaint on false and concocted ground. As a matter of fact, she had illicit relation with one Ganesh Kumar. The petitioner informed about her relation with Ganesh Kumar to her parents, whereafter her behaviour became worse and she



filed a false and frivolous petition against the petitioner. The learned senior counsel, relying upon the two decisions of Hon'ble the Supreme Court *(i) AIR 2019 SC 185, Lajpat and others Vs. State of Uttar Pradesh and another (ii) AIR 2022 SC 4288, Kanchan Kumar Vs. State of Bihar*, has submitted that if the complaint petition is *prima facie* false and frivolous, it should be dismissed at its threshold.

7. The petitioner has taken a plea that the complainant had illicit relation with one Ganesh Kumar, but it is surprising that the petitioner did not take this plea before the learned Sessions Judge, while hearing of his Criminal Revision No. 255 of 2019. The order of the learned Sessions Judge is very exhaustive and explicit.

8. I do not find any reason to interfere with the order of the learned Sessions Judge, confirming the order of the S.D.J.M., Sikrahana, Dhaka, rejecting the application of discharge filed by the petitioner.

9. The application is accordingly dismissed.

(Nawneet Kumar Pandey, J)

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