

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32194 of 2017

Arising Out of PS. Case No.-745 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Ashraf Son of Md. Badruddin, Resident of Raja Bazar, Beside New
Maszid and Building of O.K. Tailor, Samanpura, P.S. Shastri Nagar, District
Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Munni Khatoon, Wife of Md. Ashraf, Resident of Raja Bazar, Mallik Tola,
Near K.G.N. Campus, Samanpura, P.S. Shastri Nagar, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 25.01.2017 passed in Complaint Case No.
745(C) of 2016 by the learned SDJM, Patna whereby
cognizance has been taken under Section 498A of the Indian
Penal Code read with Section 4 of the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that
the petitioner, being husband, has been falsely implicated in the
present case, it is next submitted that it has been specifically
pleaded at Para-12 of the quashing application that O.P. No. 2
was married to one Md. Hatim son of Ramjani Mian much prior
to 11.05.2015 and from the wedlock, she gave birth to two



children, further she did not take divorce from Md. Hatim, as such question of marrying the petitioner does not arise, it is next submitted that petitioner is married to Shakila Khatoon on 31.12.2015 and has not performed any second marriage with the O.P. No. 2. It is next submitted that the notarized affidavit dated 11.05.2015 sworn by the complainant before Notary Public, Masouri, Patna wherein it has been mentioned that petitioner and the O.P. No. 2 married, is not a valid document.

4. The learned APP for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the submissions of the learned counsel for the petitioner and submits that the plea on which the petitioner is seeking quashing of the order of cognizance is his defence and defence cannot be looked at, at this stage, considering the submission made by the learned APP for the State, the Court is not inclined to entertain the quashing application.

5. Accordingly, the present quashing application stands rejected.

(Satyavrat Verma, J)

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