

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41670 of 2023

Arising Out of PS. Case No.-1389 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

SANJEEV KUMAR Son of Shiv Shankar Prasad Resident of 3274, Sector - 6 (A), Bokaro Steel City, P.S. - Bokaro, Distt. - Bokaro (Jharkhand). At present residing at Flat No. 201, House No. 83, Masjid Math, South Extension - 2, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Rani Wife of Sanjeev Kumar Resident of C/o Vikash Kumar @ Gopal, Flat no. 102, Gopal Sharan Apartment, Mohalla - Yarpur, P.O. and p.s. - Gardanibagh, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of Complaint Case No. 1389 C of 2018 passed by learned S.D.J.M, Patna by which learned magistrate has taken cognizance against the petitioner for the offences under Sections 498A of the Indian Penal Code and Section 4 of the D.P. Act.

3. As per complaint, the marriage of complainant was solemnized with Sanjeev Kumar on 19.11.20123 thereafter, she went to her matrimonial home and started leading her conjugal life. A child was born out of their wedlock. It is alleged that after some years, the husband of the complainant took her to his



place of posting and started torturing her and all the accused persons demanded rupees 5 lakhs as dowry. On account of non-fulfillment of demand, they ousted the informant from the matrimonial home.

4. Petitioner is the husband of the opposite party no. 2 and there are serious allegation of torture and demand of dowry against him. This Court is not inclined to interfere at this stage and hence, this application is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

5. Learned counsel for the opposite party no. 2 has submitted that Guardianship Case No. 39 of 2018 has been filed by opposite party no. 2 and the same is pending in the Court of learned Principal/Addl. Principal Judge, Family Court, Patna for hearing. Learned counsel for the petitioner has submitted that he had no knowledge about pendency of this case. Today, in Court of hearing, he has got knowledge about the Guardianship case.

6. In these circumstances, the petitioner is given one week time to appear in court below to participate in the hearing in Guardianship Case No. 39 of 2018 pending in the court of Principal/Addl. Principal Judge, Family Court, Patna.

7. The Principal/Addl. Principal Judge, Family Court,



Patna will dispose of the aforesaid case within three months from date of receipt of a copy of this order. The Principal/Addl. Principal Judge, Family Court, Patna will proceed in the matter *ex parte* against non-cooperating party. In case the court below has already proceeded *ex parte* against the petitioner, the *ex parte* proceedings shall be recalled so that the petitioner gets chance of hearing in the guardianship case.

8. Let a copy of this order be communicated to the Principal/Addl. Principal Judge, Family Court, Patna for its compliance through FAX and e-mail forthwith.

9. With the aforesaid observation and direction, this application is dismissed.

(Sandeep Kumar, J)

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