

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.877 of 2022

Arising Out of PS. Case No.-1324 Year-2012 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Shishir Kumar Son of Ashok Kumar, Resident of Village - Sneh Bhwan , Transport Nagar, Kumhrar, P.S.- Agam Kuan, Distt.- Patna.
 2. Ashok Kumar Son of Late Ramautar Gope, Resident of Village - Sneh Bhwan , Transport Nagar, Kumhrar, P.S.- Agam Kuan, Distt.- Patna.
 3. Mina Kumari W/o Ashok Kumar, Resident of Village - Sneh Bhwan , Transport Nagar, Kumhrar, P.S.- Agam Kuan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home, Patna, Bihar.
2. Pragati Raj W/o Shishir Kumar , D/o Mahendra Kumar, Resident of Mohalla - A.P. colony, Chairaiyan Tand, P.S.- Rampur, Distt.- Gaya.
3. Rishi Kumar Akela Son of Jagdeo Prasad Yadav, Resident of Village - Mustafabad, P.S.- Rampur, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Sr. Adv.
	:	Mr. Durgesh Nandan, Adv.
For the State	:	Mr. Ruchikar Jha, AC to SC-8.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 17-03-2023 Heard learned Senior Counsel for the petitioner and

learned counsel for the State.

The petitioner has filed the present Cr. Writ Petition for quashing of Complaint Case No. 1324 of 2012 lodged by respondent no.2, under Section 498A, 406, 376, 384, 313/34 of the Indian Penal Code read with Section 4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that the

entire F.I.R. is frivolous. He submits that the complainant of complaint case has basically no respect for law, she on the one hand entered into marriage with the petitioner no.1 and filed criminal case under Section 498-A of I.P.C. and Section 4 of D.P. Act against the petitioner and entire family members, and subsequently suppressing each and every thing and without any adjustment of marriage with petitioner no.1, she entered into another marriage and thereafter filed another criminal case under Section 498-A of I.P.C. against those family members bearing Rampur P.S. Case No. 360 of 2021 lodged by Pragati Raj (the complainant). In the said F.I.R. i.e. Rampur P.S. Case No. 360 of 2021 complainant has disclosed one Rishi Kumar as her husband whereas in the present case she has shown Shishir Kumar (petitioner no.1) as her husband. Learned counsel for the petitioner submits that from the said two documents i.e. Annexure-1 and Annexure-4, it transpires that the present case is frivolous and filed by a professional lady who is taking benefit of law and harassing not only to the petitioner but also to the other person to whom she states her husband. Learned counsel fairly submits that prior to filing the present Cr.W.J.C., the petitioners have filed a Cr. Misc. Application No. 30912 of 2013 against the order of cognizance under Section 482 of Cr.P.C.

which was dismissed vide order dated 08.03.2017.

Learned counsel for the petitioner submits that in the said Complaint Case No. 1324 of 2012 charge has been framed. In this view of the matter, he seeks to withdraw the present Cr.W.J.C. with liberty to raise all these points including the order challenging the framing of charge before appropriate forum at appropriate stage of the case.

Learned counsel for the State opposes for the same.

Accordingly, the present Cr. Writ Petition is disposed off with the liberty aforesaid.

(Dr. Anshuman, J.)

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