

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61093 of 2019

Arising Out of PS. Case No.-546 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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VIKASH PRAKASH Son of Jai Prakash Singh Resident of Mohalla-Dhelwa
Ward No.30, P.S.-Ram Krishna Nagar, District-Patna. At present working as
Deputy Manager, State Bank of India, Regional Business Office, Darbhanga,
P.S.-Lahariya Sarai, District-Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Simran Raj @ Jhanjhan Wife of Vikash Prakash, D/o Ramesh Prasad At
Present Residing at Banarsi Ghat Ward No.15, P.S-Barh, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 29-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the order dated
19.18.2019 in connection with Complaint Case No. 546 of 2019
passed by the learned Additional Chief Judicial Magistrate,
Barh, Patna by which the learned Magistrate has taken
cognizance for the offence punishable under section 498A
Indian Penal code and Sections 3, 4 of the Dowry Prohibition
Act.

The prosecution story in short is that the complainant
namely Simran Raj has filed a complaint Case stating therein
that her marriage was solemnized with petitioner namely,
Vikash Prakash on 10.02.2019 who is working as Deputy



Manger in State Bank of India. After marriage, the accused persons demanded dowry of Rs. 40 lakhs and Inova Car, but the parents of the complainant paid Rs. 15 lakhs as marriage expenditure and golden jewellery of Rs. 8 Lakh. When she came to her matrimonial home, the accused persons demanded dowry again and due to non fulfilment, the accused person started torturing her physically and mentally. After some days the parents of the complainant tried to convince them especially accused no. 1 i.e. the petitioner, but accused no. 1 refused the proposal of the parents of the complainant. On 19.07.2019 the accused no. 2 and 4 came to the parental home of the complainant and demanded 20 Lakh for maintaining the complainant.

The petitioner wants this Court to interfere at the stage of cognizance after considering the defence of the petitioner, which is not permissible in law.

The defence of the petitioner can only be looked into at this stage as has been held in ***State of Bihar Vs. P.P. Sharma 1992 Supp (1) SCC 232.***

In view of the above, this application is dismissed. The Additional Chief Judicial Magistrate, Barh, Patna is directed to conclude the trial of the case by holding on day to



day basis within nine months from today and conclude the trial arising out of Complaint Case No. 546 of 2019.

The Additional Chief Judicial Magistrate, Barh, Patna will send a report after nine months whether the trial has been disposed of or not.

The principal judge, Family Court, Patna is directed to conclude the Maintenance Case No.87 of 2020 within three months from the date of receipt/production of a copy of this order in accordance with law laid down by the Hon'ble Supreme Court in the case of *Rajnish vs Neha (2021) 2 SCC 324*.

If the petitioner does not cooperate, the Principal Judge, Family Court, Patna will proceed ex-parte against the petitioner and he is also directed to send a report after six month whether the trial has been disposed of or not.

With the aforesaid observation and direction this application is dismissed.

(Sandeep Kumar, J)

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