

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50091 of 2018

Arising Out of PS. Case No.-838 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

Raju Ram Son of Late Pashupati Ram Resident of Mohalla 36/B Railway
Quarter Strachey Road, Liluah P.S. Belur District Howrah West Bengal.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Anju Devi wife of Raju Ram Daughter of Sheo Shankar Prasad resident of
Village- Nimej, P.S. Brahampur, District- Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Chandrasen Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 01-05-2024 It is not in dispute that Opposite Party No. 2 is the

legally married wife of the petitioner. It is also not in dispute

that after marriage, matrimonial discord cropped up between the

Opposite Party No. 2 and the petitioner, as well as other

matrimonial relations of the Opposite Party No. 2.

2. According to Opposite Party No. 2, the petitioner

and other matrimonial relations demanded a motorcycle after

20/25 days of marriage from the father of the Opposite Party

No. 2. She expressed her inability to pursue the unlawful

demand of the petitioner to her father because of the fact that

her father is a poor person and he spent considerable amount of

money in her marriage with the petitioner.



3. As a result of matrimonial discord, the petitioner filed a suit for dissolution of marriage by a decree of divorce on the ground of cruelty and mis-behaviour against his wife / Opposite Party No. 2 herein.

4. It is contended on behalf of the petitioner that in order to frustrate the said matrimonial suit, the Opposite Party No. 2 subsequently filed Complaint Case No. 838 (C) of 2017 against the petitioner. It is contended on behalf of the petitioner that the Opposite Party No. 2 filed the complaint case under Section 498A of the IPC as a retaliation of the above-mentioned matrimonial suit on false allegation.

5. On perusal of the order dated 4th of May, 2018 passed by the learned S.D.J.M, Buxar, this Court finds that the complainant and two witnesses were initially examined on solemn affirmation. Thereafter, on the basis of the initial statement of the complainant and the witnesses, he took cognizance of the offence under Section 498A of the IPC. The ground that the complaint case was filed after the institution of matrimonial suit cannot be accepted as a ground for quashing of the complaint case under Section 482 of the Cr.P.C. because the Trial Court or initial inquiry was satisfied about the allegation made by the Opposite Party No. 2 against the petitioner and



took cognizance of offence under Section 498A of the IPC.

6. For the reasons stated above, I do not find any merit in the instant application and accordingly the instant application is dismissed.

(Bibek Chaudhuri, J)

uttam/-

U			
---	--	--	--

