

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27963 of 2023

Arising Out of PS. Case No.-156 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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JAI SHANKAR PRASAD BHARTI Son of Visheshwar Chaudhary Resident of Village - Sukhashan, P.S.- Sinheswar, District - Madhepura, At present House No.- 66, Mount School, Boring Road, P.S.- Krishnapuri, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shivangi Aaishwaryam Daughter of Umesh Chaudhary Resident of Village - Purab Bazar, Near Railway Hata, P.S. and District - Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application has been filed for quashing the order dated 10.01.2023 passed by the learned Judicial Magistrate, Saharsa in Complaint Case No. 156 of 2021 whereby the learned Magistrate has taken cognizance against the petitioner u/ss 498A, 341, 504 of the IPC and ordered to issue summon against him.

3. As per the prosecution case, the complainant married the petitioner in the year 2010, thereafter he started torturing her mentally and physically due to that she returned to his parental home. It is further alleged that in the year of 2019,



the petitioner again started torturing her mentally and physically.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on the baseless ground. It is further submitted that the petitioner neither demanded any dowry nor tortured the complainant. The complainant and the petitioner had been leading happy conjugal life for three years having no complaint. It is further submitted that the order taking cognizance against the petitioner is illegal and improper in the eye of law and against the well settled Principle of law.

5. learned APP for the State has opposed the quashing application of the petitioner by submitting that the petitioner is the husband of the complainant and as per the complaint case, it is clearly mentioned that the petitioner used to torture the complainant.

6. Considering the above facts and circumstances of the case, this court do not find any merit in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

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