

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78115 of 2023

Arising Out of PS. Case No.-1317 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Yagye Prakash Son Of Late Ram Sagar Prasad R/O Mohalla- Lai Kothi, P.S.-
Town, Dist.- Muzaffarpur

... .. Petitioner/S

Versus

1. The State of Bihar
2. Smt. Ritu Prakash W/O Yagye Prakash, D/O Rajesh Kumar @ Raju Prasad
R/O Mohalla- Kali Kothi, In Front Of Naka No.-4, P.S.- Nagar, Dist.-
Muzaffarpur. At Present She Is Residing At Near Malya Vihar Bhawan,
Jungli Mai Sthan, Balughat, Muzaffarpur, Pin - 842001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application has been filed on behalf of the
petitioner for quashing the order dated 05.08.2023 passed by the
learned S.D.J.M., Muzaffarpur (East) in Complaint Case No.
1317 of 2016 whereby the learned S.D.J.M., dismissed the
petition in respect to the petitioner filed u/s 245 Cr. P.C., to
discharge him for the offence u/s 498 A of the I.P.C., and
Section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfillment of demand of Rs.



5,00,000/- as dowry.

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. The petitioner is the husband of the complainant. It is further submitted that the petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner.

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. It is also submitted there is discernible incriminating material in the evidence against the petitioner.

6. Considering the above facts and circumstances of the case, this court do not find it safe to invoke the extraordinary inherent jurisdiction of the court U/s 482 of the Cr. P.C. to quash the said impugned order.

7. Accordingly, the present quashing application is rejected.

(Chandra Prakash Singh, J)

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