

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13941 of 2024

Arising Out of PS. Case No.-956 Year-2013 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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LALIT SHARMA @ LALIT BHARDWAJ S/O LATE BISHESWAR LAL SHARMA R/O MOHALLA- CHIKITSALAYA ROAD, BHAGWAN DAS MARWARI LANE, POLICE STATION- KOTWALI, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KANCHAN SHARMA D/O GOBARDHAN JHA R/O MOHALLA- N.T.N. GHOSH ROAD, CHAMPANAGAR, P.S- NATHNAGAR, DISTT.- BHAGALPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Verma, Adv

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 11-02-2025

Heard learned counsel appearing on behalf of the parties.

2. The present petition has been filed for quashing the order dated 15.07.2014, passed by learned Sub-Divisional Judicial Magistrate, Bhagalpur in Complaint Case No. 956 of 2013 by which cognizance have been taken against the petitioner for the offence punishable under Section 498(A) of the Indian Penal Code & Section 4 of the D.P. Act and also set aside the order dated 04.09.2023 passed by learned Additional District Judge-XI, Bhagalpur in Cr. Rev. No. 81 of 2022, where the learned Court have found no illegality in the order of cognizance dated 15.07.2014.



3. The brief facts of the case is that O.P. No. 2 filed a Complaint Case No. 956 of 2013 before the learned Chief Judicial Magistrate, Bhagalpur on 14.05.2013 against the petitioner and nine other persons alleging therein that the O.P. No. 2 had solemnized marriage with the petitioner according to Hindu rites and customs on 29.06.2012 at Basukinath Temple. After marriage O.P. No. 2 went to her matrimonial home, where she stayed for eight days, thereafter her in-laws and petitioner started torturing her. It is also alleged by O.P. No. 2 that her husband (petitioner) alongwith his family members pressurized her to bring Rs. Two Lakhs in dowry for starting business. On protest by O.P. No. 2 petitioner became angry. It is also stated by O.P. No. 2 that the mother-in-law told her if your parents will not pay aforesaid amount, she will sell all the ornaments. It is further alleged that parents of O.P. No. 2 tried to negotiate the matter but they failed and then in the month of *sawan* O.P. No. 2 forced to came back in her matrimonial house.

4. Learned counsel for the petitioner submitted that marriage of petitioner with O.P. No. 2 is second marriage,



while subsisting his first marriage. It is pointed out that petitioner never solemnized marriage with O.P. No. 2. In support of his submissions it is pointed out that para 1 of the complaint petition suggests that marriage of O.P. No. 2 with petitioner was solemnized at Basukinath Temple, Dumka, Jharkhand. For conforming the aforesaid fact one RTI was filed by petitioner seeking information from Basukinath Temple, as to whether present marriage of petitioner with O.P. No. 2 as claimed was solemnized or not but same was answered in negative by the Basukinath Temple authorities. Said information was annexed with petition as annexure no. 2, wherein it was informed to the advocate of petitioner that on 29.06.2022 no marriage between parties was solemnized at Basukinath Temple.

5. The petitioner preferred the revision petition against the cognizance of impugned order before the learned Sessions Judge, Bhagalpur, which has been heard and disposed by learned Additional District Judge-11, Bhagalpur through Criminal Revision No. 81 of 2022, where learned Court dismissed the revision petition.



6. Learned counsel appearing on behalf of O.P. No. 2 submitted that marriage in Basukinath Temple with O.P. No. 2 was admitted by petitioner himself, while he filed informatory petition before learned CJM, Bhagalpur numbered as 3801 of 2023 under Section 39 of the Cr.P.C. Though it was stated there of that said marriage was performed forcibly.

7. Considering the aforesaid, it appears that parties are raising the disputed facts *qua* their marriage and moreover, offence alleged appears cognizable in nature which has been found correct *prima-facie* by the learned Jurisdictional Magistrate, considering the aforesaid the present petition appears devoid of any merit.

8. Accordingly, same stands dismissed.

9. Let a copy of this order be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.02.2025
Transmission Date	13.02.2025

