

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84055 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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ASHUTOSH KUMAR, Son of Sri Vimlesh Kumar Sharma, Resident of
Village / Mohalla - Ward No. 07, Arpa, P.S.- Hilsa, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Aibhi Kumari Wife of Ashutosh Kumar, (D/O - Ashok Kumar) Resident of
Mohalla - Arpa, P.S.- Hilsa, District- Nalanda. At present Address- Resident
of Village - Jhunathhi, P.S.- Kinjar, District- Arwal

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate
For the Opposite Party : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 10-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. In this case, the petitioner is challenging the
order dated 23.04.2019 passed by the learned S.D.J.M., Arwal in
connection with Complaint Case No.143 of 2018, whereby and
whereunder the learned Magistrate has taken cognizance against
the petitioner for the offence under section 498-A of the Indian
Penal Code and under section 4 of the Dowry Prohibition Act.

3. As per complaint petition, the marriage of
the complainant was solemnized with the petitioner in the year
2011 according to Hindu rituals. However, after the birth of a
girl, the accused persons including the petitioner started
torturing the complainant for demand of dowry and on account
of non-fulfillment of the said demand, the accused persons
ousted the complainant from the house after beating her and



snatching her ornaments.

4. Learned counsel for the petitioner submits that the allegations made in the complaint petition are false and concocted and in fact no demand was ever made from the opposite party no.2 and she was never tortured by the accused persons.

5. Learned counsel for the opposite party no.2 has supported the impugned order taking cognizance and has submitted that the allegations made in the complaint petition are true.

6. At the stage of cognizance, this Court will not enquire into the veracity of the allegations by conducting a mini trial on the basis of the defence materials produced by the petitioner.

7. I do not find any merit in this application. Accordingly, this quashing application is dismissed. The interim order of stay granted vide order dated 19.12.2019 is hereby vacated.

(Sandeep Kumar, J)

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