

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26508 of 2016

Arising Out of PS. Case No.-694 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Kailash Agrawal S/o Ridh Karan Agarwal, resident of 146, Aadi Nath Society, V.I.P. Road, P.S- Karelibagh, P.O- G.P.O. Baroda, District- Baroda, Gujrat, Pin- 390018.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sonal Agrawal, wife of Kailash Agrawal, D/o Om Prakash Jalan, resident of 146, Aadi Nath Society, P.O.- G.P.O. Behind Bright School, V.I.P. Road, Baroda P.S. Karelibagh District- Baroda Gujrat- 390018. At present D/o Om Prakash Jalan, resident of Sriman Srimati, P.S.- Ramma District- Muzaffarpur, Pin- 842002.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 30-01-2026 The instant petition has been filed under section 482 of the Code of Criminal Procedure (in short 'Cr.P.C') with a prayer to quash the order dated 04.06.2015 passed in Complaint Case No. 694 of 2015 by the learned Sub-divisional Judicial Magistrate (East), Muzaffarpur whereby cognizance of the offences punishable under section 498A of the IPC and sections 3 and 4 of the Dowry Prohibition Act has been taken and the petitioner has been summoned for the said offences.

2. The main submissions advanced by the petitioner's counsel are that the petitioner's marriage with the complainant



(O.P. No.2) took place in the year 2004 while the Complaint Case was lodged by the O.P. No.2 in the year 2015 and on that very date of the institution of the Complaint Case, a Divorce Case was also filed before the Principal Judge, Family Court, Muzaffarpur bearing Matrimonial Case No. 106 of 2015 and in the present time, the O.P. No.2 has entered into matrimonial relationship with another person after getting divorce in the said matrimonial case. It is further submitted that there is nothing even prima facie to show the commission of the alleged offences for which cognizance has been taken.

3. Learned APP appearing for the State has submitted that as per report sent by the trial court, the petitioner's case is at the stage of recording his statement under section 313 of the Cr.P.C. which shows that his case is at the verge of end.

4. Heard both the sides.

5. As the petitioner's case is running for recording his statement under section 313 of the Cr.P.C., so, at this stage it will not be proper to examine the appropriateness of the order of cognizance of the alleged offences as in the present time, all the evidences adduced by the prosecution are already available before the trial court and the same will be looked into by the trial court itself at the time of final hearing. Accordingly, this



court finds the instant petition to be infructuous and the same
stands dismissed.

(Shailendra Singh, J)

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