

Prito Yadav and ors Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-18-2012

Appellant : Prito Yadav and ors

Respondent : The State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.28790 of 2010 Prito Yadav & Ors Versus The State Of Bihar & Anr For the petitioners : Mr.Devendra Prasad Singh Mr.Ram Vinay Prasad Sinha For the Opposite parties : Mr.Mritunjay Kumar Mr.Ranjan For the State : Mr.J.K.Sing

18. 01.2012 This application under Section 482 Cr.P.C has been filed for quashing the order of cognizance dated 25.02.2010 passed by the learned Judicial Magistrate Ist Class, Barh (Patna) in Complaint Case No. 602 (C)/2009 for offence under Section 498A of the Indian Penal Code. According to the complaint filed by, Smt. Seema Devi soon after her marriage with the petitioner no. 4 the petitioners have been demanding money from time to time for payment of donation for admission on behalf of the husbands brother Dinesh Yadav. It is further stated that the plea have been exerting pressure and inflicting torture and have also threatened that her husband would perform second marriage after deserting her. It has also been observed that the husband wrongfully made the complainant hand over her jewellery to him. Learned counsel for the petitioners however, submits that the instant case has been filed in retaliation to an earlier petition for divorce filed in Matrimonial (Divorce) Case No. 30 of 2009. The present proceeding is

therefore said to be vexatious and intended only 2 to harass the petitioner. Learned counsel for the complainant /opposite party no. 2 has appeared and opposes the present petition. He disputes the various averments contained in the petition on facts. He further submits that the petitioners averments about the complainants alleged illicit relationship with Manoj Yadav are completely misconceived inasmuch as they are cousins, their respective grandfathers having been full brothers. Learned counsel for the State appears and has been heard. It is seen from the impugned order of cognizance taken on 25.5.2010 that the learned Magistrate has taken cognizance after considering the complaint and also the statements of four witnesses. I thus find no infirmity in the impugned order as might call for interference under Section 482 Cr.P.C. In the result this application is dismissed. The petitioner is always at liberty to raise all points before the Trial Court at the time of framing of charges. Namita (Vikash Jain, J.)

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