

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13444 of 2012

Arising Out of PS.Case No. -19 Year- 2009 Thana -null District- PATNA

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1. Syed Taqui Haidar son of Syed Razi Haidar
 2. Syed Razi Haidar son of Late Syed Moinuddin Ahmad
 3. Maimoona Khatoon W/O Syed Razi Haidar
 4. Shamima Nasreen D/O Syed Razi Haidar, all resident of Jamaluddin Chak, P.S. Khagaul, Distt. Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Shabaz Ahmad son of Ali Ahmad, resident of village Pandessa, P.S. & Post Nalanda, Distt. Nalanda
3. Nikhat Ara W/O Syed Md. Taqui Haidar, resident of village Pandassa, P.S. & Post Nalanda ,Distt. Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Sufiyan, Advocate
For the State : Mr. Binod Kumar 3, APP
For private Opposite Party : Mr. Sangeet Deokuliar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-04-2015

The Opposite Party No.3 and the Petitioner No.2 are physically present in Court. The demand of the Opposite Party No.2 is to the extent of Rs.10 lacs including the arrears of maintenance, which the Petitioners are unable to give.

The Counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No.1 is concerned to raise all these points at the relevant stage.

The application as against the Petitioner No.1 is dismissed as withdrawn.

The rest of the Petitioners, who happen to be the parents-in-law and the sister-in-law, seek quashing of the order of cognizance dated 11.2.2010 passed by the S.D.J.M., Danapur in Khagaul P.S. case No.19 of 2009.

The case of the Informant is that his sister was married to the Petitioner No.1 in November, 2007, on which occasion money was given to the in-laws. Just after a few days of stay in the matrimonial home she was being tortured for ends of dowry, on account of which he tried to intervene but to no avail. Finally on 14.2.2009 his sister was assaulted and turned out of the matrimonial home.

It has been submitted on behalf of the Petitioners that as is evident from the First Information Report there is no specific overt act alleged against the Petitioners No.2, 3 and 4. It appears improbable that a person, who was married about seven years ago, would be tortured for ends of dowry. Evidently there appears some incompatibility issue between the husband and the wife, which led to institution of the present case as well as earlier Informatory Petition filed by the Petitioner No.2.

On the other hand, the Counsel for the Informant submits that since his sister was tortured for ends of dowry by the in-laws, they should be put on trial.

Having considered the contents of the First Information Report, I would be inclined to accept the submissions so raised on behalf of the Petitioners. Hence, the application is allowed so far as the Petitioners No.2, 3 and 4 are concerned and the proceeding including the order of cognizance dated 11.2.2010 passed by the S.D.J.M., Danapur in Khagaul P.S. case No.19 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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