

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20167 of 2012

Arising Out of PS.Case No. -192 Year- 2010 Thana -null District- PATNA

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1. Nakhat Jahan, D/O Hafiz Md. Samsuddin, W/O Md. Irfan Alam, At Present Resident Of Mohalla- Kanhauli Hasanpur, Osti, P.S.- Mahua, Dist.- Vaishali.
 2. Md. Irsad ,S/O Md. Salim @ Md. Halim
 3. Musarat Jahan, W/O Md.
 4. Md. Jafar @ Md. Jafir Alam, S/O Late Md. Kasim
- All Resident Of Mohalla- Mahua, Behind Police Station, Near Grave-yard, Informant Of P.S. In Bazar Holsale Chhapal Ki Dukan, P.S.- Mahua, Dist.- Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Irfan Alam, S/O Mahfooz Alam, Resident Of Pathar Ki Maszid, Dargah Road Mohammad Colony, P.S.- Sultanganj, Dist.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the State : Mr. Bimal Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioner No. 1 who happens to be the wife of Opposite Party No. 2 and her family members seek quashing of the order of cognizance dated 2.3.2012 passed in Sultanganj P.S. Case No. 192 of 2010 by the Additional Chief Judicial Magistrate, Patna City, Patna.

The case of the Informant is that he was the practicing Advocate in the Civil Court, Patna City, and was married with Petitioner No. 1 on 26.9.2009 according to Muslim rites. However,

the Petitioner No. 1 stayed only for a short period in his house and, thereafter, fled away with some articles because she had illicit relationship with others. When he went to demand an explanation, he was assaulted by his in-laws.

It has been submitted on behalf of the Petitioners that evidently, the present case has been instituted by the Informant to screen himself from Complaint Case No. 684 of 2010 filed by the Petitioner No. 1 under Section 498A of the Indian Penal Code on 22.3.2010.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the background facts of the case, I would be inclined to hold that the present Prosecution is malicious and a gross abuse of the process of the Court and deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order dated 2.3.2012 passed in Sultanganj P.S. Case No. 192 of 2010 by the Additional Chief Judicial Magistrate, Patna City, Patna, is hereby set aside.

(Anjana Prakash, J)

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