

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 11970 of 2012

Arising out of P.S. Case No. -0 Year- null Thana -null
District- BHOJPUR

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1. Anwari Khatoon W/o Md. Haroon Rashid Resident of Village-Khera More Raja Nagar, Police Station- Jamui, District- Jamui.
 2. Md. Aurangzeb Khan S/o Md. Haroon Rashid Resident of Village-Khera More Raja Nagar, Police Station- Jamui, District- Jamui.
 3. Md. Afroj Alam S/o Md. Haroon Rashid Resident of Village-Khera More Raja Nagar, Police Station- Jamui, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rizwana Kamal W/o Md. Kamaluddin, D/o Md. Ali Resident of Mhetari Mohalla- Arrah, Police Station- Arrah Town, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Najimul Hoda, Adv.

For the Opposite Party/s : Mr. Iftekar Ahmad, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-06-2015

The Petitioners who are the in-laws seek quashing of entire proceeding including the order of cognizance dated 16.01.2012 passed by the Sub-divisional Judicial Magistrate, Ara in Complaint Case No. 1549C of 2011.

The case of the Complainant is that she was married to Md. Kamaluddin on 12.04.2003 whereafter she came to her in-laws house in Jamui. However, she was assaulted there on account of which she had to be hospitalized. When she came Ara once again co-accused, Salamuddin came there and abused and assaulted her.

The submission of the Petitioners is that prior to filing of the present Complaint the Complainant had filed Jamui P.S. Case No. 283 of 2011 under Sections 341,

323, 448 and 504/34 IPC which is still pending. Despite the allegations being more or less the same just by adding further that one of accused Md. Salamuddin having come to Ara and abused and assaulted her she has further aggravated the allegation and filed a fresh Complaint. In sum and substance, the allegations in both the cases are one and the same and, hence, in the interest of justice to avoid multiplicity of proceedings the case should be quashed.

On the other hand, the Counsel for the Complainant submits that on several occasions an opportunity was given to the Petitioners to settle the dispute but they did not do so and, therefore, they should be put on trial.

Having considered the submission that another case is already pending, the proceeding of the present case as against all the accused persons including the order of cognizance dated 16.01.2012 passed by the Sub-divisional Judicial Magistrate, Ara in Complaint Case No. 1549C of 2011 is, hereby, set aside.

The application stands allowed.

However, this order shall have no bearing on Jamui P.S. Case No. 283 of 2011.

Vikash/-

(Anjana Prakash, J.)

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