

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 28702 of 2012

Arising out of P.S. Case No. -1147 Year- 2009 Thana -Complaint
District- MUNGER

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1. Rizwana Anjum D/o Md. Safdar Ali Khan and W/o Md. Tarique Hashmi Resident of Biharsharif Garhpar (Nariai House), P.S.- Biharsharif, District- Nalanda.
 2. Md. Safdar Ali Khan S/o Late Abdul Jabbar Khan Resident of Biharsharif Garhpar (Nariai House), P.S.- Biharsharif, District- Nalanda.
 3. Dr. Haroon Rashid S/o Md. Safdar Ali Khan Resident of Biharsharif Garhpar (Nariai House), P.S.- Biharsharif, District- Nalanda.
 4. Md. Chunnu S/o Md. Safdar Ali Khan Resident of Biharsharif Garhpar (Nariai House), P.S.- Biharsharif, District- Nalanda.
 5. Nasima Khatoon W/o Md. Safdar Ali Khan Resident of Biharsharif Garhpar (Nariai House), P.S.- Biharsharif, District- Nalanda.
 6. Md. Shakeel Khan @ Shakeel @ Ahmad S/o Late Md. Nazir Khan Resident of Mohalla- Maharajganj Mircha Cottage, P.S.- Jamui, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Tarique Hashmi S/o Late M.M. Hashmi Resident of Mohalla- Purab Sarai, Shams Lane, P.S.- Munger Kotwali, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Imteyaz Ahmad, Adv.

For the Opposite Party/s : Mr. Satyavrat Verma, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2015

No one appears on behalf of the Opposite Party No.

2 on the second consecutive dates.

The Petitioners who are the wife and the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 02.07.2011 passed by the Sub-Divisional Judicial Magistrate, Munger in Complaint Case No. 1147C of 2009 on the ground that evidently it is malicious prosecution.

The case of the Complainant is that on the date of occurrence the accused persons entered into his house and

started to raise a scene. He stated that he had been married to Petitioner No. 1 but when he realized that the girl had been changed he was not ready to accept her and, therefore, the accused persons acted in such manner.

The Petitioners submit that after the marriage with the Opposite Party No. 2 the Petitioner No. 1 went to her matrimonial home but she was tortured for ends of dowry for which reason she filed Complaint Case No. 1538C of 2009 and the Complainant filed Matrimonial Suit No. 171 of 2009 before the Principal Judge, Family Court, Munger which was withdrawn on 09.05.2011. Evidently, the present Complaint which was filed on 18.12.2009 after the Petitioner No. 1 filed a Complaint on 24.11.2009 the present Complaint is only with a view to coerce the Petitioners into settlement.

Having accepted such contention as noted above, the entire proceeding as against all the accused persons including the order of cognizance dated 02.07.2011 passed by the Sub-Divisional Judicial Magistrate, Munger in Complaint Case No. 1147C of 2009 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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