

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 11405 of 2013

Arising out of P.S. Case No. -997 Year- 2012 Thana -MUNGER

COMPLAINT CASE District-MUNGER

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1. Mohammad Akil Ahmad @ Md. Akil Ahmad S/o Late Abdul Wahid Ahmad Resident of Plot No. 35, Flat No. 401, Zakir Nagar, West, P.S- Jamia Nagar, District- New Delhi- 110025.
 2. Sitaram Khatoon W/o Late Abdul Wahid Ahmad Resident of Plot No. 35, Flat No. 401, Zakir Nagar, West, P.S- Jamia Nagar, District- New Delhi- 110025.
 3. Mohammad Jawed @ Md. Jawed Akhtar @ Roomi S/o Late Abdul Wahid Ahmad Resident of Plot No. 35, Flat No. 401, Zakir Nagar, West, P.S- Jamia Nagar, District- New Delhi- 110025. Petitioner/s
- Versus

1. The State of Bihar.
 2. Bibi Fauzia Ishrat D/o Md. Asif Alam Resident of Village- Imbrahimpur (Ghazipur), P.S- Tarapur, District- Munger. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

Learned Counsel for the Petitioners is permitted to withdraw the application so far as Petitioner No. 1, Mohammad Akil Ahmad alias Md. Akil Ahmad is concerned.

The rest of the Petitioners who are the parents-in-law seek quashing of the order of cognizance dated 24.01.2013 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 997C of 2012.

The case of the Complainant is that she was married to the Petitioner No. 1 on 06.02.2004 on which occasion large number of gifts were given to the in-laws. She lived happily with her in-laws for about 8-10 months but later on she was tortured for ends of dowry by her in-laws and when it was known that she was pregnant she was tortured so much that she aborted. She was finally ousted from the matrimonial home.

It has been submitted that it is impossible to believe that a person would be tortured for ends of dowry after so many years of marriage. Evidently, the relation-ship of the husband and wife was not as it should have been which led to a dispute and finally institution of the First Information Report. All along the husband and wife lived in New Delhi whereas the rest of the Petitioners used to reside in Patna.

On the other hand, Counsel for the Complainant submits that since there direct interference by the Petitioners in the matrimonial affairs of the Complainant they should be put on trial.

Having considered the relation-ship of the present Petitioners as also the duration of the marriage and the vague and sweeping allegations as against them, I would not think it proper to put them on trial.

Hence, the proceeding including the order of cognizance dated 24.01.2013 passed by the Judicial Magistrate, 1st Class, Munger in Complaint Case No. 997C of 2012 is, hereby, set aside so far as the Petitioners No. 2 and 3 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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