

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 34643 of 2014

Arising out of P.S. Case No. -639 Year- 2009 Thana -
SAMASTIPUR COMPLAINT CASE District- SAMASTIPUR

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Md. Aurangzeb Khan @ Aurangzeb Khan Son of Basir Khan ,
Resident of Village - Mansoorpur , Police Station - Bidhupur
(Hajipur) , District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Wazad Khanam @ Nahid wife Aurangzeb Khan daughter of
Noor Islam Khan, At present R/o village - Motipur, P.S. Rosra ,
District - Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Harun Quareshi, Adv.

For the Opposite Party/s : Mr. J. Upadhyay, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 12.01.2010 passed by the Sub-divisional Judicial Magistrate, Rosera, Samastipur in Complaint Case No. 639 of 2009.

The case of the Complainant is that she was married to the Petitioner on 12.06.2006. For a few years she enjoyed her matrimonial relation-ship in course of which she gave birth to a male child. However, later on the in-laws started demanding Rs. 1,00,000/- as dowry and when she resisted she was tortured even while she was pregnant.



It has been submitted on behalf of the Petitioner that it is impossible to believe that the person who was married in the year 2006 would be tortured for the next four years when even she herself states that her relationship was initially good. Fact of the matter is that the Complainant had left her matrimonial home without any reason and when the husband tried to take her home she refused. It is for this reason that the Complainant despite service of notice has chosen not to appear before this Court.

Having considered facts of the Complaint Petition, I am satisfied that no offence under Section 498A IPC is made out.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 12.01.2010 passed by the Sub-divisional Judicial Magistrate, Rosera, Samastipur in Complaint Case No. 639 of 2009 is, hereby, set aside.

The application stands allowed.

However, this order shall not give undue advantage to the Petitioner.

Vikash/-

(Anjana Prakash, J.)

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