

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 43032 of 2014

Arising out of P.S. Case No. -7803 Year- 2013 Thana -BEGUSARAI
COMPLAINT CSAE District- BEGUSARAI

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1. Md. Tahir Hussain @ Tahir Hussain, Son of Md. Akhtar.
 2. Md. Akhtar Hussain, Son of late Khalilur Rahman.
 3. Md. Afzal, Son of Md. Akhtar.
 4. Md. Shahadat Hussain @ Md. Shahadat, Son of Md. Akhtar.
 5. Md. Ebadat Hussain @ Md. Ebadat, Son of Md. Akhtar.
 6. Saleha Khatoon @ Md. Salaya, Wife of Md. Akhtar.
 7. Ashrafun Khatoon @ Ashrafun, Wife of Md. Asghar. All resident of Village-Khatopur, P.S.-Mufassil, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Fauzia Khatoon, Wife of Tahri Hussain, Daughter of Md. Haidar, Resident of Village-Ninga, P.S.-Baraunia, District-Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Fahimuddin Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application of Petitioner No. 1 to avail his other remedies in accordance with law.

The application is dismissed as withdrawn with regard to Petitioner No. 1, Md. Tahir Hussain @ Tahir Hussain.

The rest of the Petitioners seek quashing of the proceeding including the order of cognizance dated 25.08.2014 passed by the Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 7803(C) of 2013.

The case of the Complainant is that she was married to Petitioner No. 1 on 10.10.2010 on which occasion large number of gifts were given to the in-laws. However, when she came to her matrimonial home she was tortured for ends of dowry and ousted from her matrimonial home.

It has been submitted that now after the marriage has been solemnized and the Complainant was never interested in establishing her relation-ship with her husband. There was some kind of incompatibility between the husband and wife which has led to the institution of the present case. Where Petitioners are concerned there is no specific overt act alleged against them and the allegations are general and sweeping in nature.

Having considered the contents of the Complaint Petition, I would be of the view that prosecution of the Petitioners No. 2 to 7 is unwarranted and deserves to be set aside.

Hence, the proceeding including the order of cognizance dated 25.08.2014 passed by the Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 7803(C) of 2013 is, hereby, set aside so far as the Petitioners No. 2 to 7 are concerned.

The application stand allowed.

Vikash/-

(Anjana Prakash, J.)

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