

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41151 of 2009

Arising Out of Sheikhpura PS.Case No. 13 Year- 2008 District- SEKHPURA

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1. Md.Tauhid Alam, son of late Abdul Rashid
2. Moina Khatoon @ Moina Ara, wife of Md. Tauhid Alam
3. Shama Kaushar, daughter of Md. Tauhid Alam
All permanent resident of village & P.S. Dhandiha, P.S. Koilwar, Distt. Bhojpur at
Ara. At present resident of C/o Mukesh Yadav, Mohalla Bhawanipur, P.S.
Naugachia, Distt. Bhagalpur.
4. Jainab Khatoon, wife of late Md. Jamilur Rahman
5. Md. Waliur Rahman
6. Md. Aslam @ Md. Aslam Rahman
Both sons of late Md. Jamilur Rahman
Sl. Nos. 4 to 6 are permanent resident of Mohalla Katra (Nadipur), P.S. Laheri,
Distt. Nalanda, at present resident of quarter No. Bhuli 'D' Block, Sharmiss Nagar,
P.S. Bhuli, Distt. Dhanbad, State of Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. Kausar Parveen, daughter of late Md. Yunus, resident of village Charudwar,
P.S. Sheikhpura Sarai, Distt. Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anis Akhtar, Adv.
Mr. Arif Siddiqui, Adv.
For the State : Mr. M. Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

It has been submitted that the Petitioner No. 4 is dead,
hence, his application has become infructuous.

Hence, the application of the Petitioner No. 4 is
dismissed as having become infructuous.

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the in-laws of the Opposite
Party No.2 seek quashing of the order of cognizance dated 22.8.2008

passed in Sheikhopur Sarai P.S. Case No. 13 of 2008 by the Chief Judicial Magistrate, Sheikhpura, Distt. Sheikhpura.

The case of the Complainant is that she was married about seven years ago to Md. Habibur Rahman and when she came to her matrimonial home, she was tortured for ends of dowry and ousted from there.

It has been submitted that after due investigation, Final Report was submitted in their regard but disagreeing with the Final Report, cognizance was taken. In fact, the Petitioners had no concern with the affairs of the Informant and her husband and later on a compromise petition was also filed by the Informant.

Be that as it may, considering the relationship between the Parties as also the duration of the marriage, the application is allowed and the Proceeding including the order of cognizance dated 22.8.2008 passed in Sheikhopur Sarai P.S. Case No. 13 of 2008 by the Chief Judicial Magistrate, Sheikhpura, Distt. Sheikhpura, so far as the Petitioners No. 1,2,3,5 and 6 are concerned, is hereby set aside.

(Anjana Prakash, J)

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