

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21140 of 2014

Arising Out of PS.Case No. -56 Year- 2011 Thana -West Champaran Complaint District-
Westchamparan(Bettiah)

- =====
1. Raj Mohamad Miyan Son of Late Bhulan Miyan.
 2. Mansur Miyan
 3. Imteyaz Alam @ Imteyaz
 4. Manan Miyan All the son of Raj Mohamad Miyan
 5. Rabina Khatoon @ Rabiya Khatoon daughter of Raj Mohamad Miyan
 6. Rukhi Khatoon wife of Manan Miyan
 7. Jokhani Khatoon wife of Raj Mohamad Miyan All the resident of village - Som
Nagar Samota, Police Station - Sathi, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Nazama Khatoon daughter of Sarajul Miyan at present resident of village -
Dhokaraha, Police Station - Ram Nagar, District - West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-11-2015

The petitioners who are in-laws seek quashing of the
order of cognizance dated 12.04.2013 passed by the Sub-Divisional
Judicial Magistrate, Bagaha, West Champaran in Complaint Case No.
C 56 of 2011, Tr. No. 5201 of 2013.

The case of the complainant is that she was married with
Sadre Alam in 2009 but after marriage she was tortured on account of
which she filed Complaint Case No. C-684 of 2009 which was
pending trial. In the said complaint, Sadre Alam filed anticipatory bail

in which as per the direction of the Court, the husband took his wife to the matrimonial house but all the accused persons assaulted her on account of which she filed the present complaint.

It has been submitted on behalf of the petitioners that it is evident that the dispute was between the husband and wife and the petitioners have no role to play.

On the last occasion notices had been issued the O.P. No. 2 but none appeared on her behalf.

Having gone through the material of the complaint petition I would be inclined to hold that the present proceeding deserves to be set aside. Hence the application is allowed and the order of cognizance dated 12.04.2013 passed by the Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in Complaint Case No. C 56 of 2011, Tr. No. 5201 of 2013 is hereby set aside so far as the petitioners are concerned.

(Anjana Prakash, J)

Prakash/-

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