

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40774 of 2012

Arising Out of PS.Case No. -990 Year- 2006 Thana -null District- KATIHAR

- =====
1. Md. Mubarak son of Abdul Sattar @ Chamru Mian
 2. Abdul Sattar @ Chamru Mian son of Ulfat Mian
 3. Julekha Khatoon wife of Abdul Sattar @ Chamru Mian
 4. Abdul Latif son of Elahi Mian, all resident of village Siranda, Police Station Prampur, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Khatoon daughter of Muslim Mian, resident of village Siranda, Police Station Prampur, District Katihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Pd. Sah, Advocate
Mr. Ratnakar Ambastha, Advocate
For the Opposite Party/s : Mr. C. Jawahar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioners seek quashing of the order of cognizance dated 3.11.2006 passed by the S.D.J.M., Katihar in C.A. No.990 of 2006 corresponding to Trial No.1682 of 2006.

The case of the Complainant is that she was married to the Petitioner No.1 about three years back but she was tortured. When her husband went to Delhi, she was finally ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that after there was matrimonial dispute the Opposite Party No.2 married one Hakim Mian, which was enquired into by the Court below. She appeared there and stated that she has no concern with her husband

Petitioner No.1 and she would have no objection if the case was dropped. However, despite the same the case was not dropped.

Notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the aforesaid submissions on the basis of documentary proof, which are unimpeachable in nature, the application is allowed and the order of cognizance dated 3.11.2006 passed by the S.D.J.M., Katihar in C.A. No.990 of 2006 corresponding to Trial No.1682 of 2006 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--