

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40022 of 2012

Arising Out of PS.Case No. -1113 Year- 2009 Thana -null District- BUXAR

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1. Hasnain Nut S/O Zabbar Nut
 2. Lachiya Begum W/O Zabbar Nut, both R/O Village - Rouza Khoua Mandi, P.S. Gazipur, District - Gazipur (U.P.)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Moharam Khatoon wife of Hasnain Nut, resident of village, Rouza, P.S. Gazipur, District Gazipur (U.P.) at present at Post Chausa, P.S. Buxar (M), District Buxar (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi S. Pankaj, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

It has been submitted that the Petitioner No.2 is now dead and, therefore, so far as she is concerned the application is dismissed as having become infructuous.

The Petitioner No.1, who is the husband of the Opposite Party No.2, seeks quashing of the order of cognizance dated 7.6.2010 passed by the S.D.J.M., Buxar in Complaint case No.1113 of 2009.

The case of the Complainant is that she was married to the Petitioner No.1 on 20.11.2006 whereafter she went to her matrimonial home. However she was tortured and finally ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner No.1 that fact of the matter is that the Complainant did not like the Petitioner and therefore did not want to reside with him. From the complaint petition, there does not appear any specific instance of torture for any reason whatsoever.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the vague nature of allegations in the Complaint Petition, the application is allowed and the order of cognizance dated 7.6.2010 passed by the S.D.J.M., Buxar in Complaint case No.1113 of 2009 is hereby set aside, so far as the Petitioner No.1 is concerned.

However, this order shall not stand in the way of any claim to be raised by the Complainant.

(Anjana Prakash, J)

Narendra/-

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