

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35394 of 2012

Arising Out of PS.Case No. -161 Year- 2012 Thana -null District- PURNIA

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1. Md. Asif Rahman S/O Abdul Halil
2. Abdul Halil S/O Late Md. Hakim
3. Kishwar Jahan W/O Abddul Halil, all R/O Village - Bharsia, P.S. Falka, District
- Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Zubeda Khatoon W/O Md. Mariha R/O Mohalla - Ashiyana Colony, South Of
New Idgah, P.O. Purnea Khajanchi Hat, P.S. Khajanchi Hat, District - Purnea

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abbas Haider, Advocate
For the State : Mr. Bharat Lal, APP
For Opposite Party No.2 : Mr. Md. Hussain, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

It appears that Mr. Jitendra Kumar Pandey has filed a Vakalatnama without taking no objection from the previous lawyer. Today he is absent.

In the nature of dispute between the parties, the matter had been referred to the Mediation Centre but the Petitioner No.1 never appeared there.

Considering the aforesaid, the application so far as the Petitioner No.1 is concerned is hereby dismissed.

As for rest of the Petitioners, they are the parents-in-law of the Opposite Party No.2, who seek quashing of the order of cognizance dated 2.8.2012 passed by the Sub Divisional Judicial Magistrate, Purnea in Complaint case No.161 of 2012.

The case of the Complainant is that she was married to the Petitioner No.1 on 11.9.2001, on which occasion gifts were given to the in-laws. However, when she went to her matrimonial home she was tortured for ends of dowry and hence the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a marriage would break down within such a short time for demands of dowry. Fact of the matter is that there was some issue between the husband and wife, which was sought to be resolved but it could not work out. In fact the husband thereafter also divorced his wife for the same reason.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the in-laws, who should have taken pains to ensure matrimonial harmony, they should be put on trial.

Having considered the vague nature of allegations as against the Petitioners No.2 and 3, the application is allowed and the proceeding including the order of cognizance dated 2.8.2012 passed by the Sub Divisional Judicial Magistrate, Purnea in Complaint case No.161 of 2012 is hereby set aside so far as the Petitioners No.2 and 3 are concerned.

(Anjana Prakash, J)

Narendra/-

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