

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29083 of 2008

Arising Out of PS.Case No. 632 Year- 2007 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Mansur Khan son of late Md. Shakoor
 2. Baba Sultan Ahmad @ Sultan Ahmad Faridi son of late Chhedi Khan
 3. Md. Aziz son of Md. Budhan
 4. Md. Khalik son of Md. Mansur Khan, all are resident of Mohalla Bans Ghat,
North Manderi, Pump House, P.S. Budha Colony, Patna Town & District Patna
.... Petitioner/s

Versus

1. The State of Bihar
 2. Md. Motiur Rahman son of Shaikh Farooq, resident of village Dhaka, Medni
Tola, P.S. Dhaka, District East Champaran (Motihari)
.... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. S.A. Ahmad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

In the nature of dispute between the parties notices had been issued to the Opposite Party No.2, but none appears on his behalf as well.

The Petitioners seek quashing of the order of cognizance dated 15.1.2008 passed by the S.D.J.M., Sikrahna at Motihari, East Champaran in Complaint case No.C-632 of 2007.

The case of the Complainant is that on the date of occurrence while the Complainant was sitting in his house, the accused persons entered his house, abused and assaulted him. They also committed theft of house hold articles and fled away in a jeep.

The Counsel for the Petitioners submits that in fact the

daughter of Petitioner No.1 i.e. Yasim Khatoon @ Baby had filed a case against her husband Opposite Party No.2 and other family members on 11.9.2006 under Section 498A I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act and it is thereafter that the present Complaint was filed on 20.9.2007 in order to create a defence and coerce them into compromising the aforesaid Complaint.

Having gone through the background facts, I would be inclined to accept the said arguments. Hence, the application is allowed and the proceeding including the order of cognizance dated 15.1.2008 passed by the S.D.J.M., Sikrahna at Motihari, East Champaran in Complaint case No.C-632 of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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