

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3371 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- KHAGARIA

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1. Md. Arif, son of Md. Sharif,
 2. Anwari Khatoon, wife of Md. Arif,
 3. Abdul Barik, son of Md. Arif, all resident of Building No.396, Gali no.2, Block Dihri Nagar Extension Part-3 Badarpur, P.S.-Badarpur, New Delhi-110044, permanent address-New Bankey Bihari Tent House, Gali No.X, Extension 52, Building No.1435, Second 60 Feet Road, Near Molar Band Extension, Badarpur, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Bibi Jainab alias Baby wife of Abdul Barik, daughter of Md. Daud Ali, resident of village and Post-Pipra Latif, P.S.-Parbata Mariya, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansh Akhtar, Advocate
Mr. N. A. Shamshi, Advocate

For the Opposite Party/s : Mr. R. B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 10-07-2015

No one appears on behalf of the Opposite Party No.2.

Learned counsel for the Petitioners seeks permission to withdraw the application so far Petitioner No.3, Abdul Barik, is concerned to enable him to avail other remedy in accordance with law.

The application is dismissed as withdrawn in so far as Petitioner No.3 is concerned.

The Petitioner Nos.1 and 2, who are parents-in-law, seek quashing of the order of cognizance dated 19.06.2008 passed by the Sub-Divisional Judicial Magistrate, Khagaria, in Complaint

Case No.955-C of 2007.

The case of the Complainant is that she was married to Petitioner No.3 in 2003 whereafter one son was also born to her. However, she was tortured for ends of dowry and ousted from the matrimonial home on account of which she filed present Complaint in 2007.

It has been submitted on behalf of the Petitioners that allegations so far they are concerned is completely vague and non-specific. It does not stand to reason that a person would be tortured for ends of dowry for four years and even after birth of a child. The allegations against the Petitioner Nos.1 and 2 are not reliable.

Considering the relationship of the present Petitioners and the nature of allegation against them, the order of cognizance dated 19.06.2008 passed by the Sub-Divisional Judicial Magistrate, Khagaria, in Complaint Case No.955-C of 2007, is hereby set aside in so far the Petitioner Nos. 1 and 2 are concerned.

The application stands allowed.

(Anjana Prakash, J)

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