

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14716 of 2014

Arising Out of PS.Case No. -510 Year- 2011 Thana -KATIHAR District- KATIHAR

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1. Rinku S/O Shabuddin,
 2. Shahabuddin, S/O Late Jamaluddin, both resident of village/mohalla Churi Patti, Bara Bazar, P.S. Katihar Town, District Katihar.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Mohiuddin, S/O Late Jamaluddin, resident of mohalla Churi Patti, Bara Bazar, P.S. Town Katihar, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Khurshid Alam, Advocate
For the Opposite Party/s : Mr. S. K. Singh, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

1. The Petitioners seek quashing of the order dated 14.02.2013 by which the Chief Judicial Magistrate, Katihar, has differed with the opinion of the police and taken cognizance in Katihar P.S. Case No.510 of 2011.

2. The case of the Informant is that his daughter had been kidnapped by Raju @ Sajid on 16.03.2011 in regard to which Katihar (Town) P.S. Case No.102 of 2011 had been instituted. Raju @ Sajid and his relatives were all along pressurizing him to withdraw the case. He alleged that on 11.09.2011, his daughter had been killed by Raju @ Sajid, his father Mustakim, mother Hasina, Farooque and Mokhtar. He also added the name of his own brother Shahabuddin, Petitioner No.2 and nephew, Rinku, Petitioner No.1 for having killed his daughter.

3. Submission of the Petitioners is that the Informant is not an eye witness. Since he had land dispute with the Petitioners, he added their names in the murder of his daughter without any basis. There was no reason why the Petitioners would have in any manner participated in the murder of the girl, who happens to be own cousin sister/niece of the Petitioners respectively.

4. In the Case Diary, there is no direct material against the Petitioners.

5. On the other hand, counsel for the Informant submits that since the Petitioners were alleged to have joined hands with the in-laws of his daughter in committing her murder they should be put on trial.

6. Having considered the nature of material which has transpired against the Petitioners, in my understanding, trial would be merely nullity and abuse of process of Court.

7. Hence, the entire proceeding including the order dated 14.02.2013 passed by the Chief Judicial Magistrate, Katihar, in Katihar Town P.S. Case No.510 of 2011, is hereby set aside in so far as the Petitioners are concerned.

8. The application stands allowed.

(Anjana Prakash, J)

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