

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46888 of 2012

Arising Out of PS.Case No. -552 Year- 2007 Thana -null District- -

1. Md. Shahnawaz S/O Md. Basir Ansari
2. Md. Basir Ansari S/O Late Md. Ali
3. Noorjahan W/O Md. Basir Ansari, all R/O Vill-Railway Quarter No.524-A, Engineering Department, Railway Plant Dipo, Mugal Sarai, P.S.-Mugal Sarai, Distt-Chandauli, (U.P)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Abbas Ansari S/O Late Hamid Mian Residing At Nokha, P.S.-Nokha, Distt-Rohtas
3. Rehana Khatun D/o Md. Abbas Ansari, residing at Nokha, P.S. Nokha, Dist. Rohtas

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Mayanand Jha, APP

For private Opposite Party : Mr. Md. Subbir Alam, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No.1 is concerned.

Application as against the Petitioner No.1 is dismissed as withdrawn.

The Petitioners No.2 and 3, who are the parents-in-law of the Opposite Party No.2, seek quashing of the order dated 27.8.2012, by which the Sub Divisional Judicial Magistrate, Sasaram has refused to discharge the Petitioners in Complaint case No.552 of 2007 (Trial No.1640 of 2010).

The case of the Complainant is that his daughter was married to the Petitioner No.1 on 29.10.2006, whereafter she went to

her matrimonial home at Mugalsarai. However the in-laws started torturing her for ends of dowry and finally she was ousted from there on 10.4.2007.

It has been submitted on behalf of the Petitioners that the Petitioners No.2 and 3 are the parents-in-law of the Opposite Party No.2 and they had no concern with her affairs. In fact the daughter of the Complainant was working as Warden and the husband had divorced her on some issue of incompatibility in which the Petitioners had no role.

On the other hand, the Counsel for the Complainant submits that since the Petitioners No.2 and 3 are the parents-in-law they were duty bound to ensure matrimonial harmony and hence they should be put on trial.

Having considered the vague nature of allegations against the Petitioners, the application is allowed and the proceeding including the order dated 27.8.2012 passed by the Sub Divisional Judicial Magistrate, Sasaram in Complaint case No.552 of 2007 (Trial No.1640 of 2010) is hereby set aside so far as the Petitioners No.2 and 3 are concerned.

(Anjana Prakash, J)

Narendra/-

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