

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 34967 of 2014

Arising out of P.S. Case No. -170 Year- 2013 Thana -
ALAMGANJ District- PATNA

- =====
1. Jawed Ahmed @ Syed Jawed Ahmad S/o- Late Syed Azizul Haque
 2. Talat @ Talat Jahan @ Talak Bano W/o Jawed Ahmed @ Syed Jawed Ahmad Both Resident of Mohalla- Powerganj, P.S.- Lohardagga, District- Lohardagga, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shabina Perveen, D/o- Late Syed Najmul Hassan, W/o- Syed Perwez Ahmad, Resident of Mohalla- Agarwal Tola, Loharwa ghat, P.S.- Alamaganj, Patna City.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-11-2015

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 30.05.2014 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Alamganj P.S. Case No. 170 of 2013.

The case of the Complainant is that she was married to Syed Perwez Ahmad on 23.07.2010 after which she went to her matrimonial home but the accused persons started to torture her for ends of dowry and finally she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that the Petitioner No. 1 is the "Bhaisur" whereas Petitioner

No. 2 is his wife and they had no daily dealing with the affairs of the Informant and her husband. They used to live separately and, hence, they should be exonerated from trial.

On the last occasion, notices had been issued to the Opposite Party No. 2 but she refused to receive the notice.

Having considered the facts stated in the Complaint Petition from which it appears that the main grouse is against the husband and there is no specific overt act alleged against the Petitioners, the proceeding including the order of cognizance dated 30.05.2014 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Alamganj P.S. Case No. 170 of 2013 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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