

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12028 of 2011

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

1. Md. Ramzan Ansari @ Ramzan Ansari, S/O Md. Yunus Ansari, resident of Mohalla- Jalal Colony, Sohanipati Buxar, P.S.- Buxar (T), District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Isharat Jahan, W/O Md. Ramzan Ansari, D/O Md. Sayed Ansari, resident of mohalla- Jalal Colony, Sohanipati Buxar, P.S.- Buxar (T), District- Buxar, at present residing at Mohalla- Sahganj, P.S.- Sultanganj, District- Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad No.1, Advocate

For the Opposite Party/s : Mr. T. Sharma, APP

Mr. Harish Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

The Petitioner seeks quashing of the order of cognizance dated 14.05.2009 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.3424-C of 2008.

The background facts is that marriage of the Petitioner with the Opposite Party No.2 was solemnized on 29.03.2008 at Patna. After four days of marriage i.e. on 02.04.2008, reception was held at Buxar. After one month, the Complainant returned Patna with his brother and father. She says that the Petitioner also came with the Complainant and stayed a week with her and thereafter he returned to Buxar. The Petitioner then started demanding dowry of ₹One lac and a Hero Honda Motorcycle. However, the Complainant

refused to convey the demand to her father and then she was tortured. Then she was brought back to Patna and then the Complaint Petition was filed on 16.12.2008.

It has been submitted on behalf of the Petitioner that, in fact, present Complaint Petition is a defence to Matrimonial Suit filed by the Petitioner for restitution of conjugal rights vide Matrimonial Case No.87 of 2008. He has alleged that the Complainant while staying at her matrimonial home was always talking with someone over mobile phone and told the Petitioner that she did not like him. Thereafter, she left for her maternal home and despite several requests she did not return and filed the present Complaint Petition. A petition was also filed by the Petitioner before the police authorities on 04.08.2008 more or less reiterating the contents of the matrimonial suit which was decreed in favour of the Petitioner on 22nd March, 2010.

On the last occasion, both the parties were directed to appear in the Mediation Centre but the Complainant never bothered to do so.

Having considered the aforesaid facts and circumstances, I would be inclined to hold that the present Complaint has been instituted maliciously and deserves to be set aside.

Accordingly, the order of cognizance dated 14.05.2009 passed by the Judicial Magistrate, 1st class, Patna, in Complaint Case No.3424-C of 2008 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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