

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42317 of 2008

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

- =====
1. Md.Manowar Alam @ Md.Munabbar Alam
 2. Md. Maksud Alam@Md. Maksud.
 3. Md. Sanaubar Alam@Md. Sanowar

.... Petitioner/s

Versus

1. State of Bihar.
2. Mahmadi wife of Md. Manowar Alam

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr.

Mr. Rajendra Kumar, Adv.

Mr. Uma Kant Verma, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

No one appears on behalf of either of the parties on repeated dates.

The petitioners seek quashing of the order of cognizance dated 21.04.2007 passed by the Sub-Divisional Judicial Magistrate, Katihar in Complaint Case No. 1958 of 2006.

The case of the complainant is that she was married in the year 1995 with Petitioner no. 1 after death of her first husband who happens to be the brother of the Petitioner no. 1. However, in-laws started torturing her even after birth of a child in 1998 and ousted her from the matrimonial home.

It appears from the petition filed herein that the stand of the

petitioners is that no doubt the complainant was married with one Md. Mahfooz Alam on 24.07.2006 but she took divorce from him where after the father of the Petitioners registered a piece of land in her name. She was never married to the Petitioner no. 1. The present complaint appears to have been filed only with an oblique motive for extracting some more property from the in-laws.

Having gone through the documents filed herein, I would be inclined to agree with the submissions raised on behalf of the petitioners. Hence the application is allowed and the order of cognizance dated 21.04.2007 passed by the Sub-Divisional Judicial Magistrate, Katihar in Complaint Case No. 1958 of 2006 is hereby set aside.

(Anjana Prakash, J)

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