

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.368 of 2013

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

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1. Md. Jahan, son of Sah Md. Taimoor Alam, r/o Village - Taiyabpur, P.S. - Balia Belon, Distt. – Katihar,
 2. Md. Mannan, son of Sagiruddin,
 3. Bibi Tabassum, wife of Md. Mannan, both r/o Village - Kalna, P.S. - Kadwa, Distt. - Katihar
 4. Md. Naushad, son of Md. Salil,
 5. Tahida Khatoon, wife of Md. Naushad, both r/o Village - Manjhali, P.S. - Kadwa, Distt. - Katihar

.... Petitioner/s

Versus

1. The State of Bihar,
2. Rahbari Khatoon, wife of Md. Ashraf, D/O Gulam Mustafa, at present residing at Village - Lachchora, P.S. - Balrampur, Distt. - Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Respondent/s : APP

Mr. Quamrul Hoda, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-03-2015

1. The Petitioners seek quashing of the order dated 20.12.2012 by which *Ad hoc* Additional Sessions Judge, IV, Katihar, has allowed Criminal Revision No.46 of 2012 and directed the Court below to issue summons to the Petitioners.

2. The case of the Complainant is that she was married to Md. Asraf about three and half years ago after which two children were born out of the wedlock. At the time of marriage, large number of gifts were given to the in-laws but they started torturing her for ends of more dowry. She was then ousted from the matrimonial home.

3. It has been submitted on behalf of the Petitioners that

they are brother-in-law and sister-in-law and in the Complaint Petition there is nothing specific against them. Moreover, when the Complainant was examined on Solemn Affirmation she stated that she stayed with her in-laws only for about six months and she was ousted from the matrimonial about seven months ago. The husband used to work in Kolkata but he did not keep her there. It is under these circumstances that when the allegations are vague the Petitioners seek quashing of the revisional order.

4. On the other hand, counsel for the Complainant submits that since the Petitioners are the close relatives of husband of the Complainant, they should be put on trial.

5. Having considered the Complaint Petition as well as the statement of the Complainant on Solemn Affirmation, I would be inclined to hold that there is complete paucity of any positive material showing their complicity and hence they should not be put on trial.

6. In view of such, the order dated 20.12.2012 passed by the *Ad hoc* Additional Sessions Judge, IV, Katihar, in Criminal Revision No.46 of 2012 is hereby set aside.

7. The application stands allowed.

(Anjana Prakash, J)

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