

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 9051 of 2013

Arising out of P.S. Case No. -109 Year- 2011 Thana -
BAJPATTI District- -

- =====
1. Md. Allauddin S/o Late Md. Mokim, Resident of Village Rudauli P.O. Humayupur P.S. Bajpatti Distt. Sitamarhi.
 2. Md. Mustaque S/o Md. Allauddin, Resident of Village Rudauli P.O. Humayupur P.S. Bajpatti Distt. Sitamarhi.
 3. Raushan Khatoon W/o Md. Allauddin, Resident of Village Rudauli P.O. Humayupur P.S. Bajpatti Distt. Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nausaba Khatoon W/o Late Md. Rijwan, Resident of Village Rudauli P.O. Humayupur P.S. Bajpatti Dist. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the Opposite Party/s : Mr. S. Ehtashamuddin, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Petitioners seek quashing of the order of cognizance dated 16.05.2012 passed by the Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in Bajpatti P.S. Case No. 109 of 2011.

The case of the Informant is that the marriage of his daughter was fixed with Md. Irshad @ Nirale in December, 2010. However, later on the bridegroom party flatly refused to enter into the relation-ship.

It has been submitted on behalf of the Petitioners that if at all the parties had agreed for the relation-ship and just because it failed for some reason or

the other it does not mean that they be prosecuted for demands of dowry and cheating.

On the other hand, Counsel for the Complainant submits that since the accused persons had failed to honour the negotiations they should be put on trial.

Having considered the rival submissions, I would be inclined to hold that the present prosecution is frivolous in nature and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 16.05.2012 passed by the Sub-divisional Judicial Magistrate, Pupri at Sitamarhi in Bajpatti P.S. Case No. 109 of 2011 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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