

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 26690 of 2011

Arising out of P.S. Case No. -0 Year- null Thana -null
District- PATNA

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Md. Mustaqim, Son of Late Md. Razzak, Resident of Mohalla-Azad
Nagar, Near Nousha More, Phulwarisharif, Police Station-
Phulwarisharif, District-Patna. Petitioner/s

Versus

1. The State of Bihar.
 2. Rehana Khatoon @ Anjum, Wife of Sheikh Md. Firoz and
Daughter of Md. Nizawul Haque, Resident of Mohalla-Naya Tola,
Azad Nagar, Karbalapur, Phulwarisharif, P.S.-Phulwarisharif,
District-Patna. At present residing at Village-Jamaluddinchak,
Sadakat Manzil, P.S.-Danapur, District-Patna... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Manish Kumar-III, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

The Petitioner seeks quashing of the proceeding
including the order of cognizance dated 01.10.2010
passed by the Judicial Magistrate, 1st Class, Patna in
Complaint Case No. 1654(C) of 2010.

The case of the Complainant is that she was
married to the son of the Petitioner on 26.06.2003 on
which occasion large number of gifts were given to the in-
laws. She started living happily in matrimonial home
where she gave birth to a child. However, the accused
persons started torturing her thereafter on account of
which she instituted Complaint Case No. 2852(C) of 2006.
On the basis of compromise the said Complaint was
dropped but once again the in-laws started torturing her

on account of which she filed Phulwarisharif P.S. Case No. 447 of 2007 in which final report was submitted. However on Protest Petition cognizance was taken.

It has been submitted on behalf of the Petitioner that the allegation against the Petitioner is totally absurd. In the facts that she was living happily with in the matrimonial home she gave birth to a child, evidently, all these allegations are frivolous and not fit to be relied upon.

On the last occasion, notices had been issued to the Opposite Party No. 2 who had appeared through a Counsel. Later on the case was dismissed for default on account of which the file was taken away from the counsel for the Opposite Party No. 2. Despite repeated adjournments none appears on her behalf.

Considering the factual aspects of the case, the proceeding including the order of cognizance dated 01.10.2010 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1654(C) of 2010 is, hereby, set aside so far as the Petitioner is concerned.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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