

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36307 of 2014

Arising Out of Complaint Case No.641 Year- 2013 District- WEST CHAMPARAN (BETTIAH)

1. Shamiur Rahman, Son of Late Muzaffar Rahman
2. Kanji Fatma, wife of Shamiur Rahman
Both resident of village - Jarmahui, Police Station - Chautarwa , District - West Champaran .

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asirat Parveen, wife of Wakar Ahmad , daughter of Kamruzama , resident of village - Jharmahni Police Station - Chautarwa , District - West Champaran .
at present residing of village - Narayanpur, Police Station - Ram Nagar, District - West Champaran .

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the State : MD. Nazir Ansari, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 4.4.2014 passed by the Additional Chief Judicial Magistrate, Bagaha, in Complaint Case No. 641 of 2013.

The case of the Complainant is that she was married to the son of the Petitioners on 1.5.2011, whereafter, she went to her Matrimonial home. Three months after the marriage, her husband left for Saudi Arabia. In the meanwhile, she gave birth to a male child. Initially, for one year her in-laws kept her well but, later on, started demanding dowry and finally, ousted her from the matrimonial home.

They also tried to burn her but somehow she was saved.

It has been submitted on behalf of the Petitioners that in fact, from the very beginning, husband was not happy with the marriage in question and as a result of which, he was not ready to keep his wife and just as a too to somehow bring the Petitioners in Court, the present Complaint has been filed against the in-laws also with trumped up charges only with a view to revive her relationship with the husband and in order to live in her matrimonial home.

On the other hand, the counsel for the Complainant submits that since the Petitioners being parents-in-law, are not producing the husband, they should be put on Trial.

Having considered the nature of allegation against the Petitioners and the relationship, I would be inclined to allow their prayer.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 4.4.2014 passed by the Additional Chief Judicial Magistrate, Bagaha, in Complaint Case No. 641 of 2013, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

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