

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15352 of 2014

Arising Out of PS.Case No. -3716 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Md. Hasim, son of late Md. Abbas,
 2. Md. Firoz Alam, son of Md. Hasim,
 3. Md. Akhlak Alam, son of Md. Hasim
 4. Md. Irshad Alam, son of Md. Hasim, all resident of village- Patori Bazar, P.S. Bihara Bazar, Post- Panchgachiya, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Heena Kaishar, D/O Md. Islam @ Islamuddin, wife of Md. Afruz, resident of village- Uprain (Post) Khokha, P.S. Kritya Nagar (Sri Nagar), District- Purnea

.... Opposite Party/s

With

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Criminal Miscellaneous No. 25903 of 2014

Arising Out of PS.Case No. -3716 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Md. Mehraj @ Md. Mehraj Alam, son of Md. Hasim &
 2. Md. Sohrab @ Sohrab Alam, son of Md. Hasim, both resident of village- Patori Bazar, P.S. Bihara Bazar, Post- Panchgachiya, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar &
2. Bibi Heena Kaishar, D/O Md. Islam @ Islamuddin, wife of Md. Afruz, resident of village- Uprain (Post) Khokha, P.S. Kritya Nagar (Sri Nagar), District- Purnea

.... Opposite Party/s

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Appearance:

(In Cr. Misc. No. 15352 of 2014)

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Anand, Advocate

APP

(In Cr. Misc. No. 25903 of 2014)

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Anand, Advocate

APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-06-2015

1. The Petitioners, who are the in-laws of the

Opposite Party No.2, seek quashing of the order of cognizance dated 23.05.2013 passed by the Sub-Divisional Judicial Magistrate, Purnea, in Complaint Case No.3716 of 2012.

2. The case of the Complainant is that she was married to Afroz on 09.10.2011 on which occasion some gifts were given to the in-laws. However, when she came to the matrimonial home, she was abused and ousted from the matrimonial home. On 30.08.2012, the accused persons came to her parental house and took her signature on blank papers and said that her husband would be remarried.

3. It has been submitted on behalf of the Petitioners that fact of the matter is that there was some kind of incompatibility between the spouses on account of which the husband pronounced *Talak* on 01.11.2011 and also sent *Talaknama* to her. It is thereafter that the present Complaint Petition was filed on 04.09.2012. Further submission is that it is impossible that within a short span of one year a person would be tortured and ousted from the matrimonial home for ends of dowry. Evidently, problem is somewhere else.

4. On the other hand, counsel for the Complainant submits that when the matter went before the Mediation Centre, the husband did not agree to stay with the Complainant and hence, they should be put on trial.

5. Having considered the nature of allegation and the background facts, I would be inclined to hold that prosecution of the present Petitioners is unwarranted.

6. Hence, the order of cognizance dated 23.05.2013 passed by the Sub-Divisional Judicial Magistrate, Purnea, in Complaint Case No.3716 of 2012 is hereby set aside in so far as the Petitioners are concerned.

7. The applications stand allowed.

(Anjana Prakash, J)

JA/-

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