

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40941 of 2014

Arising out of P.S. Case No. -448 Year- 2012 Thana -
SHEKHPURA COMPLAINT CASE District- SEKHPURA

- =====
1. Sahla Khatoon, Wife of Late Mohiuddin.
 2. Sayed Shamael Nabi @ Sumail Nabi, Son of Late Mohiuddin.
 3. Sayed Sohail Ahma @ Sayed Sohail Nabi @ Md. Sohail Ahmad, Son of Late Mohiuddin. All resident of Flat No. 102C Farhan Enclave Samanpura, P.S.-Shastri Nagar, District-Patna.
 4. Rafat Jahan @ Tara Parween, Wife of Aftab Hassan @ Aftab Alam.
 5. Aftab Hassan @ Aftab Alam, Son of Late Sayed Qazi

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Md. Anis Akhtar, Adv.

For the Opposite Party/s : Mr. B.M.P. Sinha, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

The Petitioners seeks quashing of the proceeding including the order of cognizance dated 19.09.2013 passed by the Sub-divisional Judicial Magistrate, Sheikhpura in Complaint Case No. 448-C of 2012.

The case of the Complainant is that her son had contracted marriage with the daughter of Petitioner No. 1 which was not approved by her. She was then assaulted and abused by the accused persons who committed theft of her personal property.

It has been submitted on behalf of the Petitioners that the matter is that a marriage had taken place between daughter of the Petitioner No. 1 and son of

the Complainant in which some difficulties arose. She then filed Complaint Case No. 397-C of 2012 whereafter the present case was instituted as a backlash. Initially, the present case was investigated by the Police and on investigation the allegations were found to be false. However, on the basis of the Protest-cum-Complaint the present case was proceeded.

On the other hand, the Counsel for the Complainant submits that even conceding the relationship since the accused persons acted in a manner alleged they should be put on trial.

Having considered the background facts of the case, I am inclined to hold that the present prosecution is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the proceeding as against the Petitioners including the order of cognizance dated 19.09.2013 passed by the Sub-divisional Judicial Magistrate, Sheikhpura in Complaint Case No. 448-C of 2012 is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

U		T	
---	--	---	--