

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 34721 of 2014

Arising out of P.S. Case No. -57 Year- 2012 Thana -MAHILA
P.S. District- SAHARSA

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1. Bibi Saziya Khatoon, Wife of Md. Kashim Daughter of Md. Salim.
 2. Bibi Mohida Khatoon, Wife of Md. Moeem, Daughter of Md. Hafiz.
 3. Md. Kashim, Son of Md. Moeem.
 4. Md. Moeem @ Md. Moeema, Son of Md. Nakchhedi.
 5. Azaroon Khastoon @ Bibi Azaruoon Khatoon, Wife of Md. Hasim.
 6. Md. Hasim, Son of Md. Moeem. All are resident of Village-Sant Nagar, Ganjala, Ward No. 15, Police Station and District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hasina Khatoon, Wife of Md. Z asim, Daughter of Md. Ibrahim, Resident of Village-Kataya, Police Station-Bihra, District-Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Reebha Kumari, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-11-2015

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 15.01.2014 passed by the Chief Judicial Magistrate, Saharsa in Mahila P.S. Case No. 57 of 2012.

The case of the Informant is that she was married to Md. Z asim on 07.05.2006 but when she went to her matrimonial home she was tortured for ends of dowry. Out of wedlock, she had three children but the accused persons continued the torture.

It has been submitted on behalf of the Petitioners

that they are the in-laws of the Informant and it does not appear to reason that a person who was married in the year 2006 would be tortured for such a long period even after birth of three children in fact there was an incompatibility issue between the husband and wife which has led to institution of the present case in which the Petitioners have been roped in only to harass them.

On the other hand, the Counsel for the Complainant submits that since the Petitioners were in-laws they were duty bound to ensure harmony between the husband and wife and, hence, they should be put on trial.

Having considered the vague nature of allegations and the duration of marriage, in my understanding, the prosecution of the Petitioners is unwarranted and, therefore the proceeding including the order of cognizance dated 15.01.2014 passed by the Chief Judicial Magistrate, Saharsa in Mahila P.S. Case No. 57 of 2012 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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