

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18952 of 2012

Arising Out of PS.Case No. -122 Year- 2009 Thana -null District- MUZAFFARPUR

=====

1. Syed Nazre Hasan Rizvi, S/O Late Syed Faiyaz Hussain
2. Shakila Rizvi, W/O Syed Nazre Hasan Rizvi
Both R/O Village- Kolhua Paigambarpur, P.S.- Ahiyapur, Distt.- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Nishat Zahra, W/O Syed Ammar Hasan Rizvi, D/O Shamshir Haidar, Resident
Of Village- Mikpur, P.S.- Siswan, Distt.- Siwan

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Alok Kumar Alok, Adv.
Mr. Man Mohan Kumar, Adv.
For the State : Smt. Indu Kumari Shrivastava, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 14.2.2012 passed by the Sub Divisional Judicial Magistrate (East), Muzaffarpur, in connection with Trial No. 1546 of 2012 arising out of Ahiyapur P.S. Case No. 122 of 2009.

The case of the Informant is that she was married to the son of the Petitioners in the year 2006 whereafter she went to her matrimonial home where the in-laws started demanding more dowry and finally she was ousted from the matrimonial home by them.

It has been submitted that it is absurd to believe that a

person who had given birth to two children would still be tortured for ends of dowry.

The fact of the matter is that the Informant used to live with her husband in Muzaffarpur where her husband were a practising Advocate and there was some incompatibility issue between them on account of which she left him and filed this First Information Report. The Petitioner No. 1 was a Government servant and used to live at the place of posting whereas the Petitioner No. 2 i.e. his wife used to also reside there.

Having considered the facts of the Complaint and vague nature of allegations against the Petitioners, I am inclined to accept that no offence as against them is made out.

Hence, the application stands allowed and the order dated 14.2.2012 passed by the Sub Divisional Judicial Magistrate (East), Muzaffarpur, in connection with Trial No. 1546 of 2012 arising out of Ahiyapur P.S. Case No. 122 of 2009 so far as the present Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

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