

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41298 of 2012

Arising Out of PS.Case No. -66 Year- 2011 Thana -null District- NAWADA

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1. Md. Quium, S/O Late Iltaf Hussain,
 2. Sakila Bano, W/O Md. Quium, both R/O Baghi Bardiha P.S.-Warisaliganj, in the district-Nawada, presently residing at Kirani Tola, Ward No. 23, P.S.-Kotwali, in the district of Medanipur, West Bengal,
 3. Md. Ehtasam, son of Md. Quamuddin,
 4. Julekha Khatoon @ Armana, wife of Md. Ehtasam, both resident of village-Musepur, P.S.-Bihar Sharif, in the district of Nalanda.
 5. Rabiya Khatoon @ Kalamu, wife of late Md. Rauf, resident of village-Makhdumpur, P.S.-Jamui, in the district of Jamui.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Shama Praveen @ Rashida Khatoon, wife of Md. Arman and daughter of Md. Riyazuddin, resident of village- Baghi Barhiha, P.S.-Warisaliganj, in the district of Nawada.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kumar Laliteswar Pd. Singh, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

1. The Petitioners, who are parent-in-law, brother-in-law, sister-in-law and maternal grand mother of husband of the Informant, seek quashing of the order of cognizance dated 07.09.2012 passed by the Sub-Divisional Judicial Magistrate, Nawada, in Warisaliganj P.S. Case No.66 of 2011.

2. The case of the Informant is that she was married to the son of the Petitioner Nos. 1 and 2 on 03.10.2009 on which occasion large number of gifts were given to the in-laws. However, she was kept

well for the next one month and later on all the accused persons started taunting her for ends of dowry. She described the manner in which each of the accused persons meted torture upon her on account of which she filed this First Information Report on 16.05.2011.

3. It has been submitted on behalf of the Petitioners that after due investigation the police submitted Final Report with regard to the Petitioners and only charge-sheeted the husband. However, disagreeing with the Final Report cognizance was taken by the Magistrate. Further submission is that it is impossible to believe that for one and half year a person would be tortured for ends of dowry. Fact of the matter is that there was incompatibility between husband and wife which led to souring of the relationship and filing of this First Information Report on imaginary allegation.

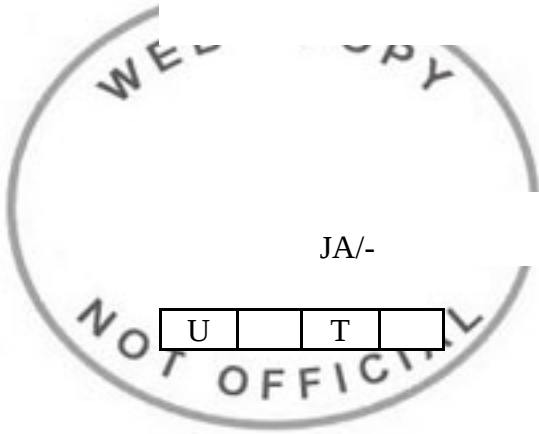
4. On the other hand, counsel for the Informant submits that since cognizance has been taken disagreeing with the Final Report, the Petitioners should be put on trial.

5. Having considered the facts of the case mentioned above, I would be inclined to hold whereas the present Petitioners are concerned that they deserve to be exonerated from prosecution.

6. Hence, the order of cognizance dated 07.09.2012 passed by the Sub-Divisional Judicial Magistrate, Nawada, in Warisaliganj P.S. Case No.66 of 2011 is hereby quashed in so far as

Petitioners are concerned.

7. The application stands allowed.



(Anjana Prakash, J)