

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43450 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- KATIHAR

- =====
1. Md.Mehdud son of Rajjak.
 2. Rajjak son of Khikhra
 3. Dilwaha son of Rajjak.
 4. Ayub son of Rajjak.
 5. Jubeda son of Rajjak.
 6. Mehbub son of Khikhra.
 7. Barek son of Khikhra
 8. Sadiruddin S/o Badiruddin.
 9. Soleman S/o Sadra.
 10. Anar S/o Sadra

.... Petitioner/s

Versus

- 1 State of Bihar.
- 2 Dilara Khatoon @ Dilara Begum wife of Md. Mehdood .

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.
For the State : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-06-2015

The petitioners seek quashing of the order of cognizance dated 21.09.2007 passed by the Sub-Divisional Judicial Magistrate, Katihar in Complaint Case No. 1756 of 2007.

The case of the complainant is that she was married to the Petitioner No. 1 on 25.07.2004 and when she came to the matrimonial home she gave birth to a child but in-laws did not spend any money. Even at the time of birth of second child all expenses were borne by her father and later she was ousted from the matrimonial home by the in-laws where after she is living with her parents.

It has been submitted on behalf of the petitioners that the petitioner no. 1 has one unmarried sister two younger brother and old father and he was bound to look after them equally but the complainant did not like it. It is impossible to believe that a person who was married in the year 2004 would be tortured for ends of dowry even after birth of two children.

Notices had been issued to the O.P. No. 2 but despite service of notice she has chosen not to appear before this Court.

Having considered the nature of allegations and the background facts, this application is allowed and the order of cognizance dated 21.09.2007 passed by the Sub-Divisional Judicial Magistrate, Katihar in Complaint Case No. 1756 of 2007 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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