

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32736 of 2012

Arising Out of Complaint Case No. -2568 Year- 2007 District- KATIHAR

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1. Md. Shamim Ansari, Son Of Late Md. Idris
 2. Md. Sadiq Ansari, Son Of Late Md. Idris
 3. Syed Ansari, Son Of Late Md. Idris
- All Resident Of Village - Beroli Bazar, P.S. Rupauli, District Purnea
4. Md. Ainul Haque, Son Of Late Md. Safiuddin
 5. Mariyam Khatoon, Wife Of Md. Ainul Ansari
- Both resident of village Bareta, Ansari Tola, P.S. Barari, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Praveen @ Rubi Khatoon, daughter of Majid Ansari, resident of Mohalla - Barbanna, P.S & District Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.
Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners is permitted to
withdraw the application with regard to the Petitioner No. 1

The rest of the Petitioners who are the in-laws seek
quashing of the order of non-discharge dated 27.6.2012 passed by the
Sub Divisional Judicial Magistrate, Katihar, in Complaint Case No.
2568 of 2007.

The case of the Complainant is that she was married to
Petitioner No. 1 on 27.6.2006 according to Muslim rites on which
occasion, some gifts were given to the in-laws. Further, when, she

came to the house of the In-laws, they started torturing her and also threatened to sell her at Delhi. They also misappropriated the articles which were given in marriage.

It has been submitted on behalf of the Petitioners that the date of the occurrence has been mentioned as 27.6.2006 to 28.6.2006 i.e. merely two days of marriage but the Complaint was filed on 4.10.2007 almost 1 and half years later. The Petitioner No. 1 in fact, the husband of the Complainant had filed a suit for restitution of conjugal rights in the Court of Principal Judge, Family Court, Purnea, bearing Title Suit (Matrimonial Suit) No. 45 of 2007 in which notices were issued to the Complainant. It was on receipt of the notices, this present Complaint was filed on 4.10.2007 to create a defence.

On the other hand, the counsel for the Complainant submits that since the Petitioners were also family members, they should be put on trial.

Having considered background facts of the case, I am inclined to agree with the submission so raised on behalf of the Petitioner.

Hence, the application is allowed and the Proceeding including the order dated 27.6.2012 passed by the Sub Divisional Judicial Magistrate, Katihar, in Complaint Case No. 2568 of 2007 is hereby set aside.

(Anjana Prakash, J)

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