

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29294 of 2014

Arising Out of PS.Case No. -60 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Safique Khan S/o Late Neyaz Khan
2. Sharfun Nesha W/o Safique Khan
3. Naz Praween D/o Safique Khan
4. Pappu Khan S/o Safique Khan
5. Rubaida Begum W/o Fakhruddin Khan All resident of village-
Shahjalalpeer, P.S.- Sasaram, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Nesar Khan S/o Gaffur Khan resident of village- Kerpa, P.O.- Ramdihra,
P.S.- Amjhore, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Ashok Kr. Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 22-05-2015 The Petitioners seek quashing of the order dated
19.04.2014 passed by the learned Sub-Divisional Judicial
Magistrate, Dehri in Complaint Case No. 60 of 2014.

Case of the complainant is that his son was
married to Petitioner no. 3 and out of the wedlock there were
two children. However, the daughter-in-law filed a case under
Section 498A of the Indian Penal Code and subsequently, on
the date of occurrence she came and started abusing and
assaulting the complainant and committed theft of the
household articles.

It is submitted on behalf of the Petitioners that as
indicated in the complaint petition, the Petitioner no. 3 had

instituted Sasaram (T) P.S. Case No. 127 of 2013 against the complainant and the other family members since they tortured her. It is only in order to coerce her into compromising the said matter, the present provocation case has been filed. There was no occasion for her to have gone to her matrimonial home and abused and assaulted complainant and committed theft.

On the other hand, learned counsel for the Complainant submits that petitioners actively participated in the occurrence, they should be put in the trial.

Having considered the background facts and the nature of allegations, I am inclined to hold that the present complaint is malicious in nature and deserves to be set aside.

Hence, the application is allowed and the proceeding including the order of cognizance dated 19.04.2014 is hereby set aside.

(Anjana Prakash, J)

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