

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31225 of 2014

Arising Out of PS.Case No. -161 Year- 2013 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

- =====
1. Md. Sajid Raza, son of late Lique Ahmed,
 2. Md. Noorullah, son of late Md. Israil,
 3. Firdaus Jhana, wife of Md. Noorullah,
 4. Shamima Khatoon, wife of late Lique Ahmad, all are resident of Mohalla-
PhulwariSharif, Alwa Colony, Rampur Near Mahabir Cancer Sansthan, P.O.-
Phulwarishariff, District- Patna and Petitioner No. 1 and 4, resident of village-
Ugawan, P.S.- Asthawan, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samshad Fatma, wife of late Sahid Raja, resident of village- Ugawan, P.S.-
Asthawan, District- Nalanda at present resident of village- Pindsharif, P.S. and
District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate

For the Opposite Party/s : APP

Kumar Mritunjay Narain, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

1. Counter Affidavit filed today be kept on record.
2. The Petitioners, who are in-laws, seek quashing
of the order of cognizance dated 12.06.2013 passed in Complaint
Case No.161-C of 2013 by the Sub-Divisional Judicial Magistrate,
Sheikhpura.
3. The case of the Complainant is that she was
married with one Shahid Raza about nine years back whereafter she
started living with her husband out of which two children were born.

In the year 2012, her husband died unnatural death whereafter she was driven away from the matrimonial home. Undue sexual favours were also demanded by the brothers-in-law and she was threatened by them.

4. It has been submitted on behalf of the Petitioners that it is impossible to believe that a person, who was married about nine years ago, would be tortured for ends of dowry. Fact of the matter is that present Complaint Petition has been filed to settle the property dispute within the family. All allegations are evidently not sustainable.

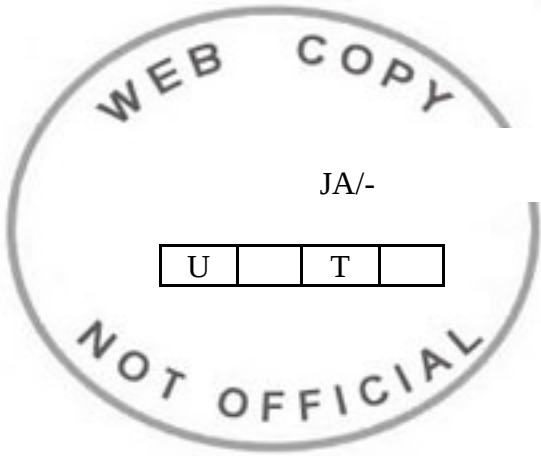
5. On the other hand, counsel for the Complainant submits that since the Petitioners were not permitting the Complainant to live in the matrimonial house, they should be prosecuted.

6. Having gone through the Complaint Petition, I am inclined to believe that on reading between the lines the Complaint Petition is unfair and should not be permitted to continue.

7. Hence, the order of cognizance dated 12.06.2013 passed in Complaint Case No.161-C of 2013 by the Sub-Divisional Judicial Magistrate, Sheikhpura, is hereby set aside.

8. However, this order shall not prejudice any party in any manner.

9. The application stands allowed.



(Anjana Prakash, J)