

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50926 of 2012

Arising Out of Majhulia P.S. Case No.17 Year- 2011 District- -Bettiah West Champaran.

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1. Md. Jamshed Alam, son of Md. Shakir, resident of Mohalla R-123, C Gali No. 7, Joga Bai Extention, New Delhi 110 025.
 2. Md. Kalimullah, son of Subhan Mian, resident of village Parsa Dumariya, P.S. Manjhaulia, Distt. West Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukaiya Khatoon, wife of Md. Jamshed Alam, daughter of Hakim Anwar, resident of village Parsa Dumariya, P.S. Manjhaulia, Distt. West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

Miss. Rajani Kumari, Adv.

For the State : Mr. Sanjay Kr. Sharma, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

The learned counsel for the Petitioners is permitted to withdraw the application so far as the Petitioner No. 1 is concerned.

Heard learned counsel for the Petitioners and the State.

The Petitioner No. 2 who is the Mama of the Petitioner No. 1 seeks quashing of the order of cognizance dated 13.12.2011 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in Manjhaulia P.S. Case No. 17 of 2011.

The case of the Complainant is that she was married to the Petitioner No. 1 in the year 2008 on which occasion, a large number of gifts were given to the in-laws. In June, 2010, she went to her matrimonial home but she was assaulted by all the family

members for ends of dowry. Several rounds of Panchayti took place but to no avail and the problems continued.

It has been submitted on behalf of the Petitioner No. 2 that since he is uncle of the Petitioner No. 1 there being no direct material against him, he should be exonerated from trial.

On the other hand, counsel for the Complainant submits that since the Petitioner No. 2 was also a family member, he should be prosecuted.

Considering that there is no specific overt act alleged against the Petitioner No. 2 who is the uncle of the Petitioner No.1, the application stands allowed as against him and the Proceeding including the order of cognizance dated 13.12.2011 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in Manjhaulia P.S. Case No. 17 of 2011, is hereby set aside.

(Anjana Prakash, J)

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