

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2162 of 2013

Arising Out of Complaint Case No.136C Year- 2008 District- NALANDA (BIHARSHARIFF)

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1. Md Jahir
2. Md. Jamil
Both S/O Late Kamruddin
3. Shahjahan Khatoon W/O Md. Jahir
All Resident Of Mohalla- Maulabag, Naya Tola, Phulwarisharif, P.S-
Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Raushan Praveen W/O Md. Jahur And D/O Md. Naseem R/O Mohalla-
Baiganabad, P.S- Bihar in the District of Nalanda.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

Heard learned counsel for the Petitioners and State.

The Petitioners who are the in-laws of the Opposite Party

No. 2 seek quashing of the order of cognizance dated 20.9.2008
passed by the Sub Divisional Judicial Magistrate, Biharsharif,
Nalanda, in Complaint Case No. 136 (C) of 2008.

The case of the Complainant is that she was married in
the year 1998 to Md. Jahur, whereafter she came to her matrimonial
home. However, she was tortured for ends of dowry and finally ousted
from matrimonial home.

It has been submitted on behalf of the Petitioners that it is

impossible to believe that a person who was married in the year 1998 would be tortured for ends of dowry till the year 2008. Evidently, the dispute was between the husband and wife and whatever reason the Petitioners have been roped in, only to put pressure upon him.

On the other hand, the counsel for the Opposite Party No. 2 submits that the Petitioners are close family members, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners and the duration of marriage, the application is allowed and the Proceeding including the order of cognizance dated order of cognizance dated 20.9.2008 passed by the Sub Divisional Judicial Magistrate, Biharsharif, Nalanda, in Complaint Case No. 136 (C) of 2008, is hereby set aside as against the Petitioners.

S.Ali/-

(Anjana Prakash, J)

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