

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46156 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

=====

1. Anwari Begam, wife of Masoom Haider,
2. Masoom Haider, son of late Abdul Rahman,
3. Md. Mahfuj Alam, son of Masoom Haider,
4. Nusrat Parveen, wife of Azam Ansari, d/o Masoom Haider,
5. Sultana Parveen, d/o Masoom Haider &
6. Md. Saddam Ansari, son of Masoom Haider,

Petitioner Nos. 1, 4, 5 and 6 are resident of Mohalla-Waliganj, P.S.-Arrah Town, District- Bhojpur,
Petitioner No.2 is the resident of Mohalla-Munsi Bazar, P.S.- Town Thana, district- Bardwan (West Bengal)
Petitioner No.3 is the resident of Mohalla Naya Basti, P.s.-Nawabganj, District- Kolkata, (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar &
2. Zahida Khatoon, wife of Md. Shamim, resident of Mohalla- Maulabagh, P.S.- Arrah Nawada, District- Bhojpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Md. Ataul Haque, Advocate
For the Opposite Party/s : Md. Ansarul Haque, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioners, who are the in-laws, seek quashing of the order of cognizance dated 31.08.2012 passed by the Sub-Divisional Judicial Magistrate, Bhojpur at Arrah, in Complaint Case No.680-C of 2011/Tr. No.3201 of 2011.

The case of the Complainant is that on 01.03.2011 Sadda Ansari came to the house and told her that his mother is not well and so, the daughter-in-law Nusrat Parween be permitted to go her maternal house. She then went away after having committed

theft of the property. When she went to demand an explanation and got her daughter-in-law back, the accused persons assaulted her.

It has been submitted on behalf of the Petitioners that Petitioner No.4 is own daughter-in-law of the Complainant, who had filed Complaint Case No.613-C of 2011 under Section 498-A and other allied Sections of the Indian Penal Code against the Complainant and rest of the family members and it is in retaliation that the present Complaint Petition was filed so as to coerce them to compromise.

On the last occasion, notice had been issued to the Opposite Party No.2, but none appears.

Having considered the nature of allegation and the background facts, the order of cognizance dated 31.08.2012 passed by the Sub-Divisional Judicial Magistrate, Bhojpur at Arrah, in Complaint Case No.680-C of 2011/Tr. No.3201 of 2011, is hereby set aside.

The application stands **allowed**.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--