

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50598 of 2013

Arising Out of PS.Case No. -597 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Anish Quraishi S/O Late Md. Aahi
2. Jubaida Khatoon W/O Anish Quraishi
3. Md. Dara S/O Anish Quraishi
4. Md. Emtiyaj Quraishi S/O Anish Quraishi, all are Resident Of Mohalla- Bibiganj, P.O. And P.S.- Danapur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nagma Khatoon W/O Monu Quraishi, D/O Sobrati Quraishi At Present Residing In The House Of Dev Kumar Madhukar, Hospital More, P.O. And P.S.- Danapur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the State : Ms. Veena Rani Pd., APP

For Opposite Party No.2 : Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

The Petitioners are the parents-in-law and brother-in-law of the Opposite Party No.2, who seek quashing of the order of cognizance dated 6.7.2013 passed by the Sub Divisional Judicial Magistrate (East), Muzaffarpur in Complaint case No.C-597 of 2013 (Trial No.2255 of 2013).

The case of the Complainant is that she was married to Monu Quraishi on 7.1.2013 whereafter she went to the matrimonial home but only for 15 days she was kept well. Thereafter she was ousted from the matrimonial home on account of non-fulfilment of demand of dowry.

It has been submitted on behalf of the Petitioners that

fact of the matter is that Monu Quraishi had been kidnapped by the parents of the Complainant, for which Petitioner No.1 had instituted a Complaint. No doubt after enquiry the Complaint was dismissed, but a revision has been filed as against the said dismissal. It also appears that the allegations, where the Petitioners are concerned, are just general and sweeping in nature without any specific reason which would make the trial a nullity.

On the other hand, the Counsel for the Complainant submits that since there is documentary proof with regard to marriage of Monu Quraishi with the Complainant, the Petitioners cannot possibly dispute such fact. Also since they were family members, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners, the application is allowed and the proceedings including the order of cognizance dated 6.7.2013 passed by the Sub Divisional Judicial Magistrate (East), Muzaffarpur in Complaint case No.C-597 of 2013 (Trial No.2255 of 2013) is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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