

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3374 of 2016

Arising Out of PS.Case No. -1767 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Shekh Nasruddin Son of late Tatif Mian
 2. Amrun Nisha Wife of Shekh Nasruddin
 3. Mohammad Farooque son of Shekh Nasruddin
 4. Md. Farhan Son of Shekh Nasruddin All Resident of Vill- Bhopatpur,
P.s Kateya, Distt- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabina Khatoon Daughter of Mustahab Hussain resident of Village-
Domahata, P.s Hathuwa, Distt- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan,
Mr. Thakur Brajesh Singh, Advocate.
For the Opposite Party/s : Mr. Harendra Prasad,
Mr. Shailendra Kumar, Advocate.
For the State : Mr. J.Upadhyay(APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-10-2016 Heard the parties.

This application has been filed for quashing the order dated 10.3.20015 passed by the Judicial Magistrate Ist Class, Gopalganj in Tr. No.4538 of 2015, arising out of Complaint Case No.1767 of 2014 by which he has taken cognizance against the petitioner for offence under Section 498A of the Indian Penal Code.

Petitioner no.3, namely, Mohammad Farooque, is the husband whereas petitioner nos. 1 and 3, namely, Shekh

Nasruddin and Amrun Nisha, are father-in-law and mother-in-law of opposite party no.2. Petitioner no.4, Md. Farhan, is brother-in-law of opposite party no.2.

As per allegation opposite party no.2 entered into marriage on 9th April, 2012 in accordance with Muslim law. Opposite party no.2 was treated properly for 2-3 months and thereafter they have changed their attitude and demanded motor cycle, started harassing opposite party no.2 including they physically assaulted her. In the complaint petition basically allegation has been made against father-in-law, mother-in-law and husband. In the complaint petition nowhere any statement has been made implicating the brother-in-law but he has been made an accused in the present case.

It is matrimonial dispute between the parties. Implication of brother-in-law will be nothing but mere harassment and continuation of proceeding against petitioner no.4 will be an abuse of process of the Court.

In such view of the matter, order of cognizance dated 10.3.2015 against petitioner no.4 is quashed.

So for petitioner nos. 1, 2 and 3 i.e. father-in-law, mother-in-law and husband are concerned; they will face the criminal trial.

With the aforesaid observation and direction this application is partly allowed.

(Shivaji Pandey, J)

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