

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25610 of 2014

Arising Out of Complaint Case No. -1509 Year- 2010 Thana -COMPLAINT CASE District-
BANKA

- =====
1. Md. Samir Ansari @ Samir Ansari, S/o Harun Ansari
 2. Md. Amir Ansari @ Amir Ansari, S/o Harun Ansari
 3. Md. Sartaj Ansari @ Sartaj Ansari, S/o Harun Ansari
 4. Md. Nasim Ansari @ Nasim Ansari, S/o Harun Ansari
 5. Sarajun Bibi, W/o Harun Ansari
 6. Md. Harun Ansari @ Harun Ansari, s/o late Peer Mohammad
- All resident of village Fasiya Dangal, Near Madi Masjid, P.S. Godda (Town),
District Godda (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tasboon Bibi, W/o Samir Ansari, D/o Fahim Ansari
resident of village Pepra Raghar, P.O. Chuapani, P.S. Bounsi, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
For the State : Ms. Veena Kumari Jaiswal, A.P.P.
For the Opposite Party No. 2 : Mr. Sanjay Kr. Jha, Adv.
Mr. Satyaveer, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the Petitioners and the State.

The counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No. 1 is concerned to
avail his other remedies in accordance with law.

The application failed against Petitioner No. 1 is
dismissed as withdrawn.

The rest of the Petitioners who are the in-laws seek
quashing of the order dated 15.5.2014 passed by the Adhoc

Additional Sessions Judge-IV, Banka, in Criminal Revision No.389 of 2012 affirmed the order of non discharge in Complaint Case No. 1509 of 2010.

The case of the Complainant is that she was married to the Petitioner No. 1 on 11.5.2008 on which occasion large number of gifts were given to the in-laws. However, when she came to her matrimonial home, she was tortured in various ways and, thereafter, ousted from the matrimonial home.

The Petitioners submit that even though, the last date of occurrence is 3.3.2010 and it is only five months later i.e. on 12.8.2010 the present Complaint was filed. The fact is that she was never tortured for any dowry but she did not herself want to live with the in-laws on account of which the Petitioner No. 1 has filed a petition before the Sub Divisional Magistrate, Godda, under Sections 97 and 98 Cr. P.C. on 7.12.2009 for restitution of conjugal rights in which notices were issued to her on 18.12.2009. On 1.10.2010, warrants of arrest were also issued by the S.D.O., Godda, and finally both the Parties were heard.

It appears that the present Complaint has been filed only in order to create a defence in the proceeding instituted before the Sub Divisional Officer, Godda, earlier.

On the other hand, the counsel for the Complainant

submits that since the Petitioners are family members of the husband, they should be put on trial.

Having considered the background facts of the case, the application is allowed and the Proceeding including the order dated 15.5.2014 passed by the Adhoc Additional Sessions Judge-IV, Banka, in Criminal Revision No.389 of 2012, so far as the Petitioners No. 2 to 6 are concerned, is hereby, set aside.

(Anjana Prakash, J)

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