

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39603 of 2014

Arising Out of PS.Case No. -1362 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. Bibi Noorjahan W/O- Late Md. Shami Alam R/O Mohalla- Lal Kothi, P.S.- Tatarpur, District- Bhagalpur.
 2. Md. Razi Alam S/O- Late Md. Shami Alam R/O Mohalla- Lal Kothi, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sarwar Fatima D/o late Md. Khalilur Rahman, resident of Mohalla Sadruddinchak, P.S. Habibpur, District Bhagalpur

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APp

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

The Petitioners, who are the mother-in-law and the brother-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 18.6.2014 passed by the S.D.J.M., Bhagalpur in Complaint case No.1362 of 2013.

The case of the Complainant is that she was married to Aftab Alam on 11.6.2009, whereafter she came to her matrimonial home. However, she learnt that her husband had married in America and wanted divorce from her. She developed affection for the five years old son but she was always tortured. Her husband then went to U.S.A. on 4.7.2009 with promise that he would return within three months but he did not do so and she was not allowed to meet her

husband, when he returned, to the in-laws.

It has been submitted on behalf of the Petitioners that earlier the wife had filed a proceeding before the State Mahila Commission and the National Commission, Delhi, where the proceeding against the present Petitioners was dropped. In fact there was some issue between the husband and wife, in which the Petitioners had no role to play and they have been roped in only to bear pressure upon the husband.

On the other hand, the Counsel for the Complainant submits that since the husband is not paying her maintenance, the present Petitioners should also be put on trial.

Having considered the background facts, the application is allowed and the proceeding including the order of cognizance dated 18.6.2014 passed by the S.D.J.M., Bhagalpur in Complaint case No.1362 of 2013 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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