

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37050 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- KATIHAR

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1. Md. Haroon Rashid son of late Basarat Hussain
 2. Rajiya Khatoon wife of Haroon Rashid
 3. Shahar Bano wife of Raisuddin
 4. Mazluma Khatoon wife of Md. Raisuddin
 5. Md. Haroon Rashid son of late Md. Tauheed
 6. Dilphinji Khatoon wife of Md. Haroon Rashid, all are resident of vilagle Basagaon, P.S. Azamnagar, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Salma Khatoon wife of Md. Raisudin, resident of village Basagaon, P.S. Azamnagar, District Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Helal Ahmad, Advocate
For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP
For Opposite Party No.2 : Mr. Jivendra Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2016

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 1.9.2007 passed by the S.D.J.M., Katihar in Complaint case No.1552 of 2007.

The case of the Complainant is that she was married to Md. Bilal about 20 years back, who died leaving behind three children. Thereafter she married the Accused No.1 i.e. Md. Raisuddin about 17 years ago. However, the accused persons started pressurizing her to execute sale deeds and when she refused she and her children were assaulted and thrown out of the matrimonial home.

It has been submitted on behalf of the Petitioners that

evidently the dispute appears to be private between the husband and wife and more for on account of the transfer lands. In fact the husband had purchased a piece of land on 20.8.2007 in the name of the Complainant, so she would be happy but instead she started demanding her individual share from the in-laws and filed the present Complaint to pressurize them.

On the other hand, the Counsel for the Complainant submits that since the Petitioners had acted in a highhanded manner, they should be put on trial.

Considering that even conceding the Complaint Petition no criminal offence whatsoever is made out, the application is allowed and the proceeding including the order of cognizance dated 1.9.2007 passed by the S.D.J.M., Katihar in Complaint case No.1552 of 2007 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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