

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27331 of 2013

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1. Maulana Md. Wahidul Haque , son of Late Md. Ali Hassan
2. Afzal Rahmani son of Maulana Md. Wahidul Haque
Both Resident Of Mohalla- Purani Chatti, Near Mohmoodia Madarsa,
Police Station- Sherghati, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nusrat Ara wife of Ashraf Rahmani
Resident Of Flat No. 306, Mahamaya Apartment, Ramna Road, Police
Station- Pirbahore, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asghar Nazmi

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

6 05-12-2016 Heard Mr. Syed Asgher Najmi, learned counsel for the
petitioners , learned Additional Public Prosecutor as well as Sri
Jai Prakash Singh, learned counsel who has appeared on behalf of
the complainant/ opposite party no. 2.

Two petitioners, who are father- in- law and brother- in-
law of the complainant have prayed for quashing of order dated
23.2.2011 passed in Complaint Case No. 3159(C) of 2010 by
Smt. Noor Sultana, Judicial Magistrate 1st Class, Patna. By the



said order the learned Magistrate has taken cognizance of offence under Section 498(A) of the Indian Penal Code.

Learned counsel for the petitioners at the very outset has argued that the order of cognizance is liable to be set aside primarily on the ground that no cause of action arose within the territorial jurisdiction at Patna and as such it is barred under Section 177 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") . He further submits that even on going through the entire complaint petition no prima facie case is made out against the petitioners. He submits that even on the basis of materials available on record offence under Section 498(A) of the Indian Penal Code is not made out.

Learned Additional Public Prosecutor as well as learned counsel appearing on behalf of the complainant has taken the court to the complaint petition as well as statement of the victim recorded on S.A. before the learned Magistrate during enquiry. Learned counsel for the complainant has also drawn my attention to the facts disclosed in paragraph no. 12 of the complaint petition. After going through the material available on record it is evident that part of cause of action arose within the territorial jurisdiction at Patna and in view of Section 178(b) of the Cr.P.C. such case can be initiated at any place of occurrence where part of cause of



action arose. So far merit of the case is concerned those facts can be examined at appropriate stage not at the stage of cognizance.

The petition stands dismissed.

In view of dismissal of this petition, interim order of stay passed in the present case stands automatically vacated.

(Rakesh Kumar, J)

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