

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46539 of 2014

Arising Out of PS.Case No. -130 Year- 2012 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Iftekhar Khan son of Moh Nurhasan Khan
 2. Nurhasan Khar @ Moh Nurhasan Khan Son of Late Hafij Khan
 3. Saddam Khan son of Moh Nurhasan Khan
 4. Samsun Nisha @ Samsun Nisha wife of Mohammad Nurhasan Khan
 5. Armana Khatun D/o Nurhasan Khan
 6. Nikahat Khatun D/o Nurhasan Khan
 7. Samshad Khan son of Late Hafij Khan
 8. Jamshed Khan son of Late Hafij Khan
 9. Kalim Khan son of Late Ekram Khan All resident of Village - Sarala, P.S. - Dildar Nagar, District - Gazipur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nafisa Khatun daughter of Late Mohammad Ekbal Khan Resident of Village - Akhini, P.S. - Nuaon, District - Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Pandey, Adv.
For the Opposite Party No. 2. : Mr. Kumar Sunil, Adv.
For the State : Mr. APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-03-2016

Learned counsel for the petitioners seeks permission to withdraw the application so far as Petitioner no. 1 is concerned.

The application is dismissed as such.

The rest of the petitioners seek quashing of the order dated 21.12.2013 passed by the Chief Judicial Magistrate, Kaimur at Bhabua in Ramgarh (Nuaon) P.S. Case No. 130 of 2012, Tr. No. 3180 of 2014.

The case of the informant is that she was married to the Petitioner no. 1 on 01.06.2012 on which occasion gifts of about eight

lacs were given to the in-laws thereafter she came to matrimonial home but the family members used to assault and abuse her and demanded Rs. 1 lakh more and a four wheeler. Her uncle and brother came and tried to pacify the matter but it could not be done. Later she was ousted from the matrimonial home then an agreement was entered into between the parties and as per the agreement the petitioners had to return Rs. 5 lacs to her but they did not do so and instead came her house and abused them.

It has been submitted on behalf of the petitioners that the allegations are general and sweeping in nature. Further first information report has been instituted only on account of refusal of the accused persons to honour the agreement.

On the other hand counsel for the complainant submits that the trial is at the fag end and therefore, the application should not be entertained.

Be that as it may considering the vague nature of allegations against the Petitioners, the application is allowed and the order dated 21.12.2013 passed by the Chief Judicial Magistrate, Kaimur at Bhabua in Ramgarh (Nuaon) P.S. Case No. 130 of 2012, Tr. No. 3180 of 2014 is hereby set aside so far as the Petitioners no. 2-9 are concerned.

(Anjana Prakash, J)

Prakash/-

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