

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47730 of 2014**

Arising Out of PS.Case No. -3155 Year- 2012 District- KATIHAR

- =====
1. Jaibul Haque, S/o Arsad
  2. Arsad, s/o late Jauhar Ali
  3. Farida Khatoon, W/o - Arsad Ali, R/vill - Hathi Diara, P.S. - Rautara, Distt - Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Rubina Khatoon, D/o - Badruddin , W/o - Jaibul Haque, R/o - Rautara Khanwa Tola, P.S. - Rautara, Distt - Katihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.  
For the State : Mr. Ajay Kumar No. 1, A.P.P.

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 21-04-2016**

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioner seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned.

The application against Petitioner No. 1 is dismissed as withdrawn.

The rest of the Petitioners who are parents-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 4.1.2014 passed by the Sub Divisional Judicial Magistrate, Katihar, in Complaint Case No. CA 3155 of 2012.

The case of the Complainant is that she was married to Petitioner No. 1 about 3 ½ years back whereafter she went to her matrimonial home but she was tortured for ends of dowry and,

thereafter, ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that fact is that the Complainant used to go her maternal home without seeking permission which had led to holding a Panchayti but no good came out of it. She filed the present Complaint so as to create a defence.

On the other hand, the counsel for the Complainant submits that since the Petitioners No. 2 and 3 are family members, they were duty bound to ensure harmonious life between the spouses and, therefore, they should be put on Trial.

Having considered the nature of relationship between Petitioners No. 2 and 3 and the Complainant as also vague nature of allegations, the application is allowed and the Proceeding including the order of cognizance dated 4.1.2014 passed by the Sub Divisional Judicial Magistrate, Katihar, in Complaint Case No. CA 3155 of 2012 is hereby set aside so far as the Petitioners No. 2 and 3 are concerned.

The Court below is directed to ensure that the Petitioner No. 1 pays the maintenance to the Complainant, failing which, it shall take stringent steps against him.

**(Anjana Prakash, J)**

S.Ali/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |