

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4324 of 2014

Arising Out of PS.Case No. -2169 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Afsar @ Hassan Imam Son Of Late Abdul Salam Resident Of Balbatra, P.S.- Arrah Town, District - Bhojpur.
 2. Md. Sarfaraz @ Md. Sarfaraz Ahmad Son Of Late Heshamuddin Resident Of Choti Singhai, P.S.- Arrah Town, District- Bhojpur.
 3. Md. Shamim @ Md. Shamim Ahmad Son Of Late Heshamuddin Resident Of Choti Singhai, P.S.- Arrah Town, District- Bhojpur.
 4. Md. Arman Son Of Md. Shamim Resident Of Choti Singhai, P.S.- Arrah Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Manowar Iqbal Son Of Late Asim Mian Resident Of Kurji, P.O. - Sadaqat Ashram, P.S.- Digha, District - Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Renu Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-11-2016 Heard learned counsel for the parties.

The present application has been filed for quashing of the order dated 07.10.2010 passed by the learned Judicial Magistrate, 1st class, Patna in Complaint Case No. 2169 (C) of 2010 whereby the processes were directed to be issued after cognizance being taken for the offences punishable under Sections 452, 506/34 and 379 of the Indian Penal Code.

The accusation against the petitioners are of entering into the house and assaulting the mother of the complainant and

committing theft of Rs. 3000/- .

It has been submitted by the learned counsel for the petitioners that the petitioner No. 1 married to the own sister of the complainant and complainant was married with the own sister of the petitioner No. 1, who died, for which the father of the petitioner No. 1 filed Patliputra P. S. Case No. 112/2004 under Sections 498 (A), 323, 307/34 of the I.P.C. Later On, Section 304 (B) of the Indian Penal Code has been also added. In the said case the complainant remained in custody for five years and after coming out of custody, the present case had been lodged against these petitioners. It has further been submitted that the Complainant had also brought Arrah Town P. S. Case No. 316/2010 under Section 498 (A) of the I .P.C. and Section 3/4 of the Dowry Prohibition Act against the petitioner Nos. 1 and 2 and others and the police has submitted the final form, finding the case to be false. It has further been submitted by the learned counsel for the petitioners that although the S.A. has been taken by the learned Judicial Magistrate 1st class, Patna but the mother has not been examined under Section 202 of the Cr. P. C., although the case has been found true to be proceeded under Sections 182 and 211 of the Indian Penal Code.

Having perused the materials on record, I find that the

allegations made in the F.I.R. do attract the ingredients of the cognizable offence against the above named petitioners.

This application is accordingly dismissed.

(Nilu Agrawal, J)

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