

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26352 of 2014

Arising Out of PS.Case No. -222 Year- 2012 Thana -KAMTAUL District- DARBHANGA

- =====
1. Md. Jasim son of Late Md. Aziz.
 2. Md. Serajul son of Md. Muslim.
 3. Marni wife of Md. Serajul
 4. Md. Nisarul @ Md. Nisarul Haque son of Serajul.
 5. Md. Shakir son of Late Tajaimul, All resident of village Bahuwara, Police Station Kamtaul District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mossarat Praveen w/o Md. Jasim D/o Md. Ali Hussain, R/v Ratanpura, P.S. Ashok Paper Mills, District Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mr. T.N. Thakur, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-05-2016

Learned Counsel for the Petitioners seeks permission to withdrawn the application so far as the Petitioner No.1 is concerned to avail his other remedies in accordance with law.

Prayer is allowed.

The rest of the Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 6.2.2013 passed by the Chief Judicial Magistrate, Darbhanga in Kamtaul P.S. case No.222 of 2012.

The case of the Complainant is that she was married to the Petitioner No.1 on 23.11.2011 whereafter she went to her

matrimonial home but she was tortured for ends of dowry and ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that all the family members would in conspiracy with each other torture the Complainant. In fact the independent witnesses have given another story of the dispute between the husband and wife, which need not be revealed. Further it was the stand of the Opposite Party No.2 herself that she did not want to live with the Petitioner No.1.

Be that as it may, the application is allowed and the proceedings including the order of cognizance dated 6.2.2013 passed by the Chief Judicial Magistrate, Darbhanga in Kamtaul P.S. case No.222 of 2012 is hereby set aside so far as the Petitioners No.2 to 5 are concerned.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.05.2016
Transmission Date	17.05.2016