

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38585 of 2014

Arising out of P.S. Case No. -1020 Year- 2013 Thana -
BEGUSARAI COMPLAINT CSAE District- BEGUSARAI

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1. Najmun Nisha, Wife of Sajjad Hussain.
 2. Gulufasa Parween alias Shabbo Daughter of Sajjad Hussain.
 3. Md. Anwar Hussain, Son of Sajjad Hussain.
 4. Md. Sajjad Hussain, Son of Late Sahmat Hussain alias Kallu Mian.
 5. Md. Anmar alias Chotu, Son of Sajjad Hussain.
 6. Md. Hussain Son of Sajjad Hussain. All are resident of Mohalla-
Gandhi Path, P.S.-Saharsa, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Saba Kausher Wife of Sarfaraj Hussain, Daughter of Fakhare
Alam, Resident of Pokhariya, Ward No. 39, P.S.-Town, District-
Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

The Petitioners who are the in-laws seek quashing
of the order of cognizance dated 05.10.2013 passed by the
Sub-divisional Judicial Magistrate, Begusarai in Complaint
Case No. 1020C of 2013.

The case of the Complainant is that she was
married to Md. Sarfraz on 27.05.2012 whereafter she came to
the house of her in-laws. However, she was tortured for ends
of dowry and subsequently she was ousted from the
matrimonial home on account of non-fulfilment of dowry.

It has been submitted on behalf of the Petitioners

that there is no specific overt act alleged against them and in fact the sister-in-law of Md. Sarfraz i.e. Farzeena Parveen was married to the brother of the Complainant and both the marriages went bad on account of which two Complaints were filed. The further submission is that there is no specific allegations as against the Petitioners and the charges appear to be completely trivial.

On the other hand, Counsel for the Complainant submits that the Petitioners who are the elder family members should have ensured good relations between the spouses failing which they should be put on trial.

Having considered the vague nature of allegations and the duration of marriage as also the relationship between the parties, the proceeding including the order of cognizance dated 05.10.2013 passed by the Sub-divisional Judicial Magistrate, Begusarai in Complaint Case No. 1020C of 2013 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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