

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7970 of 2014

Arising Out of PS.Case No. -430 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Shabana Khatoon W/O Md. Shameem
2. Md. Shameem S/O Late Md. Safi
3. Md. Sajid S/O Md. Shameem. All R/O Vill- Mohammadpur Rohua, P.S.- Bhagwanpur, Dist.- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Shaeena Naz W/O Md. Sajid, D/O Md. Mateen At Present R/O Vill.- Rajapur, P.S.- Sakara, Dist.- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Dilip Kumar Roy, Advocate
For the State : Mr. Rita Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 17-11-2016

Heard learned counsel for the petitioners, learned counsel for the opposite party no.2 and learned A.P.P. for the State.

2. The present application has been filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 21.11.2012 passed by the learned S.D.J.M., Muzaffarpur (East) in Complaint Case No. 430 of 2012, Trial No. 1770 of 2014 whereby processes have been directed to be issued after cognizance being taken for offences punishable under Sections 498A and 120B of the Indian Penal Code.

3. Allegation of the opposite party no.2 in the complaint case is of torture. Petitioner no.3 is the husband of the complainant whereas petitioner nos. 1 and 2 are parents of petitioner no.3. In pursuance to the order dated 01.09.2014, matter had been referred to the Patna High Court Mediation and Conciliation Centre where petitioner no.3 and opposite party no.2 were directed to appear for resolution of their dispute. Report of the Mediator dated 16.12.2014 has been received wherefrom it appears that the mediation has failed and the dispute could not be resolved.

4. Learned counsel for the opposite party no.2 submits that she does not wish to stay with petitioner no.3 as husband and wife.

5. Learned counsel for the petitioner submits that petitioner no.3 was already married to one Sultana Begum on 09.02.2010, which is evident from Nikahnama, Annexure-2, Hindi typed copy of the same has also been annexed. He submits that the allegation of marriage of the petitioner no.3 with the Opposite Party No.2 is false, as petitioner no.3 was neither married to opposite party no.2 at any point of time nor opposite party no.2 stayed in her matrimonial house nor brought any article as gift after marriage, as such, there is no question of she

being tortured for demand of dowry.

6. Learned counsel for the opposite party no.2 does not dispute the aforesaid.

7. It may be noted that the complaint case had been filed alleging that opposite party no.2 was married to petitioner no.3 on 03.05.2011, which is much after the marriage of petitioner no.3 with Sultana Begum.

8. Since matter does not involve any public policy and is a private dispute between the parties, no useful purpose will be served by pursuing the aforesaid proceedings.

9. Under such circumstances, order dated 21.11.2012 passed by the learned S.D.J.M., Muzaffarpur (East) in Complaint Case No. 430 of 2012, Trial No. 1770 of 2014 is quashed and so also all the proceedings thereafter. This application is, accordingly, allowed.

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.11.2016
Transmission Date	21.11.2016