

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45924 of 2014

Arising Out of PS.Case No. -893C Year- 2013 District- PATNA

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1. Zahida Khatoon, wife of late Md. Kamil.
 2. Md. Zaurez, son of late Md. Kamil.
 3. Rana Kashifi alias Guriya, wife of Md. Zaurez
- All resident of 38/D, Ismail Street, P.O. and P.S. Entali Kolkata, Dist. Kolkata, State West Bengal.
4. Shamayal Fatima, wife of Md. Azar, D/o Late Md. Kamil, R/o Park Circus Road, P.S. Baniya Pokhar Kolkata, Dist. Kolkata.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sumbul Jahan, wife of Md. Tahir Zafar, D/o Md. Shahabuddin Ahmad R/o Village - Salempur Gola Road, Barh, near Urdu Madhya Vidhyalay, Ward No. 11, P.O. & P.S. Barh, Dist. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.

For the State : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 4.4.2014 passed by the Sub Divisional Judicial Magistrate, Barh, in Complaint Case No. 893C of 2013.

The case of the Complainant is that she was married to Md. Tahir Zafar on 23.7.2009 whereafter she went to her in-laws house but they started compelling her and demanding dowry on account of which she was tortured and then ousted from the matrimonial home despite fulfillment of some demands.

It has been submitted on behalf of the Petitioners that they used to live separately and there were some differences between husband and wife on account of behaviour of the Complainant. The present case has been foisted upon them without any reasonable cause.

On the other hand, the counsel for the Complainant submits that since the Petitioners are family members, they should also be put on Trial.

Having considered the vague nature of allegation against the Petitioners, the application is allowed and the Proceedings including the order of cognizance dated 4.4.2014 passed by the Sub Divisional Judicial Magistrate, Barh, in Complaint Case No. 893C of 2013, so far as the present Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

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Transmission Date	