

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9237 of 2014

Arising Out of PS.Case No. -3130 Year- 2013 Thana -SIWAN COMPLAINT CASE District-SIWAN

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1. Shahnawaj Ali S/O Sabir Ali
2. Md. Sabir Ali @ Sabir Ali S/O Late Murtuza Ali
3. Seema Bano @ Seema Khatoon W/O Sabir Ali
4. Md. Noorain @ Raja @ Raja @ Noorain S/O Sabir Ali All Are Resident Of Mohalla Najni Chowk, Ganj No. 2, Bettiah, P.O. + P.S. Bettiah (T), District West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Heena Parveen W/O Shahnawaj Ali D/O Ehsanullah Quraishi At Present Residing In Kazi Bazar, Maharajganj, P.O. + P.S. Maharajganj, District Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kr. Shrivastava, Advocate
For the Opposite Party/s : Mr. Jagdhar Pd., APP
For Opposite Party No.2 : Mr. Uday Shankar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

Both the husband and wife are present in Court. Even while both of them wish to reside together they are unable to reconcile on a petty issue.

In such circumstances, I do not think it is possible for this Court to further linger the disposal of the case on point of settlement.

Learned Counsel for the Petitioners seeks permission to withdraw the application filed on behalf of the Petitioner No.1 in connection with Complaint case No.3130 of 2013 (Trial No.4180 of

2014) pending before the Sub Divisional Judicial Magistrate, Siwan.

Application filed on behalf of the Petitioner No.1 is dismissed as withdrawn to seek his other remedy in accordance with law.

The rest of the Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 25.1.2014 passed by the Sub Divisional Judicial Magistrate, Siwan in Complaint case No.3130 of 2013 (Trial No.4180 of 2014).

The case of the Complainant is that she was married to the Petitioner No.1 on 8.12.2012, whereafter she came to her matrimonial home but she was repeatedly tortured for ends of dowry and later ousted from the matrimonial home despite several rounds of panchayati.

It has been submitted on behalf of the Petitioners that the allegations against the Petitioners are vague and sweeping in nature. The marriage was facing some problems on account of differences between the spouses and unnecessarily the entire family has been roped in.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the family members of the husband, they should be put on trial.

Having considered the vague nature of allegations

against the Petitioners No.2 to 4, the application is allowed and the proceeding including the order dated 25.1.2014 passed by the Sub Divisional Judicial Magistrate, Siwan in Complaint case No.3130 of 2013 (Trial No.4180 of 2014) is hereby set aside so far as the Petitioners No.2 to 4 are concerned.

(Anjana Prakash, J)

Narendra/-

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