

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47476 of 2014

Arising Out of PS.Case No. -1933 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Usman Ansari son of Md. Riyajuddin Ansari, Resident of Village- Baina,
Police Station- Pranpur, District- Katihar Petitioner

Versus

1. The State of Bihar
2. Abdul Gaffar Ansari son of Late Tahir Ansari
3. Nasimuddin son of Late Tabib Ansari
4. Rabiul Ansari son of Ashraf Ansari
5. Ashmal Ansari son of Late Surpan Ansari
6. Muzaffar Ansari son of Late Sahadat Ansari, All resident of village-
Baina, P.S.- Pranpur, District- Katihar Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Adv.

For the Opposite Parties : Mr. Anil Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

2 29-04-2016 Heard the learned counsel for the petitioner and the
State.

This is a petition for quashing the order, dated 28.06.2014, passed by the Session's Judge, Katihar, in Criminal Revisional No. 69 of 2014, by which he dismissed the revision petition confirming the order of the Judicial Magistrate dismissing the complaint under Section 203 of the Criminal Procedure Code in Complaint Case No. 1933 of 2013.

The prosecution case, as alleged in the complaint petition that the complainant was abducted and taken to house of opposite party no 2, Abdul Gaffar Ansari, and got his (complainant) marriage performed with his daughter by force and when the complainant refused on the plea that the complainant is younger to her and she already got married thrice and there is allegation that the complainant was assaulted, abuse and was forced on the point of dagger to sign the nikahnama. On the said



complaint, the complainant as well as the witnesses was examined on solemn affirmation. However, taking into consideration the complaint petition as well as the statement of the complainant on solemn affirmation and the witnesses, the learned Magistrate dismissed the complaint with valid reason that the witnesses have not supported regarding marriage before him. However, the opposite party no. 2, the father of Jahanara Khatoon, with whom it is alleged that the complainant was forced to marry, in a Court question about the abduction and keeping the complainant for two days, it is stated that the family members did not lodge any information regarding his absence or missing, hence, taking this fact, the complaint case has been dismissed.

The said order of dismissal of the complaint challenged before the revisional Court. The revisional Court also taking into consideration the facts and circumstances dismissed the revision petition.

The learned counsel for the petitioner challenged the orders of the revisional Court as well as the learned Magistrate and it is asserted that Section 203 of the Criminal Procedure Code provides that if after considering the statement on oath of the complainant the Magistrate is of the opinion that there is no sufficient ground for proceeding he shall dismiss the complaint and in such shall briefly record his reason.

Having gone to the orders of the learned Magistrate and the revisional Court, I find that learned Magistrate has taken into consideration the statement that the witnesses on the solemn affirmation of the complainant and dismissed the complaint and has given a reason making an opinion that there is no sufficient ground, I do not find any merit to interfere with the orders as the

learned Magistrate has taken into consideration the statement of the complainant and the witnesses and dismissed the complaint having given a valid reason that though the complainant remained missing for two days, but, the family members did not take any steps for his missing during the period and the father of the complainant having accepted the marriage.

Hence, I do not find any reason to interfere with the order of the dismissal of the complaint by the Magistrate and dismissal of the revision.

This application is **dismissed**.

(Gopal Prasad, J)

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