

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19574 of 2014

Arising out of P.S. Case No. -1534 Year- 2013 Thana -
SAHARSA COMPLAINT CASE District- SAHARSA

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1. Md. Shahbaz Alam @ Nawab @ Shabaj Alam, Son of Fakhre Alam, Resident of Village Pokhria Ward no. 39, Begusarai, P.S and District Begusarai, presently residing at Shahin Bag, Gali No. 8, Okhla, P.S- Jamia Nagar, Okhla, New Delhi.
 2. Md. Fakhre Alam @ Fakhre Alam Son of Late Abdul Sattar.
 3. Rehana Khatoon @ Parween Rehana Parween, Wife of Md. Fakhre Alam.
 4. Md. Nishat Alam @ Mintu, Son of Md. Fakhre Alam.
 5. Sazda Kaisar, Wife of Md. Neshat Alam.
 6. Saba Kauser, Wife of Sarfaraj Hussain. All resident of Village- Pokharia, Ward No. 39, Begusarai, P.S. and District-Begusarai.
 7. Heena Kauser @ Rozi, Wife of Aftab Alam.
 8. Aftab Alam, Son of Late Md. Safayat. Petitioner No. 7 and 8 resident of Shahin Bag Gali No. 8, House No. C/41, Okhla, P.S. Jamia Nagar, Okhla, New Delhi. Petitioner/s

Versus

1. The State of Bihar.
2. Farzeena Parween, Wife of Md. Sahbaz Alam, D/o Md. Sajja Hussain, resident of Gandhi Path, Ward No. 21, P.S. and District- Saharsa. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

Learned Counsel for the Petitioners seeks permission to withdraw the application so far Petitioner No. 1, Md. Shahbaz Alam @ Nawab @ Shabaj Alam is concerned to raise all these points at the appropriate stage. The prayer is allowed.

The rest of the Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 22.11.2003 passed by the Sub-divisional Judicial Magistrate, Saharsa in Complaint Case No. 1534C of 2013.

The case of the Complainant is that she was

married to the Petitioner No. 1 whereafter she started living in Delhi but she was tortured and ousted from the matrimonial home on account of non-fulfilment of persistent demands of dowry.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioner No. 1 used to work in Delhi and the spouses used to live there whereas his family members used to reside at Begusarai. She instituted the present Complaint with completely trumped up charges.

On the other hand, Counsel for the Complainant submits that since the Petitioners were duty bound to ensure good relations between the spouses failing which they should be put on trial.

Having considered that there is complete paucity of any specific allegations which are general and vague in nature and do not inspire confidence, the proceeding including the order of cognizance dated 22.11.2003 passed by the Sub-divisional Judicial Magistrate, Saharsa in Complaint Case No. 1534C of 2013 is, hereby, set aside so far as the Petitioners No. 2 to 8 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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