

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6066 of 2014

Arising Out of case No. -232 Year- 2013 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Faisal Mahboob, Son Of Mansoor Ahmad
2. Mansoor Ahmad @ Mansur Ahmad, Son Of Late Maulvi Mahoob
3. Zakera Tabassum @ Zakra Wife of Mansoor Ahmad
4. Ahmar Rashidi
5. Adeel Naseri
Both son of Mansoor Ahmad
All Residents of Mohalla - Lodikatra (Bag Malu Khan), P.O. - Jhauganj,
Police Station - Khajekalan, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Ishrat Jahan @ Eshrat Ansari Wife of Faisal Mahboob, Daughter Of
Noorul Hoda, Resident Of Village - Bikram, P.O. & P.S. - Bikram, District
- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Advocate.
For the State : Mr. Ajay Kumar No. 1, A.P.P.
For the O.P. No. 2 : Ms. Anjula Kumari, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

14 04-10-2017 Heard learned counsel of the petitioner no. 1, learned
counsel for the State as well as learned counsel for the O.P. No. 2.

There were 05 petitioners of this quashing
application but the quashing application of petitioners no. 2 to 5
were earlier allowed by this Court by order dated 19.08.2014 and
the matter was referred to Mediation Centre for conciliation
purposes in between husband and wife. The matter was referred
twice to Mediation Centre but failed. Now the petitioner no.
1/husband seeks to set aside cognizance order dated 06.07.2013
passed by the S.D.J.M., Danapur in Complaint Case No. 232(C) of



2013 thereby he has taken cognizance of the offence under Sections 323 and 498A of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act.

The whole thrust of the argument of the learned counsel for the petitioner is regarding falsity of the case and false implication stating that wife does not want to live her in-laws, therefore, matrimonial discord developed but every effort was made by the husband to normalize the relationship even he has taken care of his wife during these period and got his daughters medically treated.

The Court finds from perusal of the complaint petition as well as record that there is specific allegation against the petitioner no. 1/husband of torturing his wife in connection with further demand of dowry. It is not the case that no *prima facie* case is made out against the husband. The defence of the petitioner cannot be looked into at this stage for quashing of cognizance order. Hence, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

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