

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20420 of 2014

Arising Out of PS.Case No. -394 Year- 2010 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Md. Tajuddin , S/o Md. Reyajuddin
2. Md.Reyajuddin S/o Late Md. Natho
3. Bajo W/o Md. Reyajuddin
4. Noor Alam @ Noor Uddin @ Mitthu S/o Md. Reyazuddin
All resident of Village Nayagaw P.O. Basdeopur P.S. Kotwali, District Munger.
.... Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/o Tajuddin D/o Md. Saheb resident of Village Nayagaw P.O. Basdeopur P.S. Kotwali District Munger. At present resident of Village Hazrat Ganj Bara, Gali No. 4, P.O. Munger, P.S. Kasim Bazar District Munger.
.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioners and learned
counsel for the State as well as learned counsel for the O.P. No. 2.

2. The present application is filed for quashing of
cognizance order dated 07.12.2010 and subsequent criminal
proceedings in Complaint Case No. 394(C) of 2010 pending in the
court of learned Sub Divisional Judicial Magistrate, Munger, who has
taken cognizance in the matter under Sections 323, 498A and 504 of
the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition
Act.

3. Learned counsel for the petitioners submits that
complainant is in the habit of lodging complaint repeatedly under



Section 498A of I.P.C. and earlier case was withdrawn on the basis of compromise but again she has filed this case against the petitioners though husband is always ready to keep her but she does not intend to reside in matrimonial home.

4. Contrary to that, learned counsel for the O.P. No. 2 negates the submissions of learned counsel for the petitioner and submits that wife is dependant on the husband for her care and maintenance, therefore, after lodging of the first complaint, she compromised as her husband was ready to keep her with respect and dignity but again, after withdrawal of the first case, started torturing her in connection with demand of dowry and the allegations are specific against all accused petitioners.

5. Having considered the rival submissions and on perusal of record, the Court finds that allegations levelled in the complaint are specific against all the petitioners and it is not the case that ingredients of the offence are not disclosed in the complaint against the accused persons. So there is no need for interference in the cognizance order. It is dismissed accordingly.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	27.11.2017

