

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29811 of 2013**

Arising Out of PS.Case No. -219 Year- 2004 Thana -MAJHAULIA District-  
WESTCHAMPARAN(BETTIAH)

- =====
1. Amruddin Ansari @ Md. Amruddin, S/O Sahdul Ansari,
  2. Sahdul Ansari, S/O Late Hikayat Mian,
  3. Jaibun Nisha @ Jaibu Nisha @ Jaibuniya, W/O Sahdul Ansari,
  4. Kamruddin Ansari @ Md. Kamruddin @ Kamruddin, S/O Sahdul Ansari, All resident of village- Lal Saraiya, Police Station- Majhoulia, District- West Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar,
2. Samida Khatoon, D/O Noor Hasan Ansari, resident of mohalla- Dargah, Police Station- Bettiah Town, District- West Champaran

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Baij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 12-01-2017**

This application under Section 482 Cr. P. C. has been filed for quashing the order of cognizance dated 25.08.2011 by which the Chief Judicial Magistrate, Bettiah, West Champaran, has found *prima facie* case against the petitioners under Section(s) 323, 324, 504, 307, 498/34 Indian Penal Code and Section 34 of the Dowry Prohibition Act on the basis of the charge-sheet submitted by the police in Majhauria P.S. Case No.219 of 2004.

It has been submitted on behalf of the petitioners that for similar occurrence earlier Majhauria P.S. Case No.182 of 2002



was registered and all these petitioners faced trial in that case and, ultimately, acquitted by judgment and order dated 25.04.2006 passed in Majhaulia P.S. Case No.182 of 2002 (Trial No.112 of 2006/GR No.2783 of 2002).

Counsel for the petitioners has annexed the First Information Report of both the cases as Annexure-1 and 2 respectively. From perusal of both the First Information Reports, it appears that allegation is same, date of occurrence is same. It further appears from Annexure-1 that on the basis of the complaint filed by the complainant in the Court, the same was sent under Section 156(3) Cr. P.C. and thereafter Majhaulia P.S. Case No.219 of 2004 was registered after the acquittal of the accused-petitioners in Majhaulia P.S. Case No.182 of 2002. The police has submitted charge-sheet in the case and the Court has taken cognizance in the year 2011 by the impugned order.

In this manner, this Court is of the view that the order of cognizance passed in the instant case is abuse of the process of Court as for the same occurrence the petitioners have already faced trial as mentioned above and, ultimately, acquitted.

In view of such, the order of cognizance dated 25.08.2011 passed by the Chief Judicial Magistrate, Bettiah, West Champaran, in Majhaulia P.S. Case No.219 of 2004 along with



entire proceeding is hereby quashed.

The application stands allowed.

**(Sanjay Priya, J)**

**JA/-**

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