

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48068 of 2013

Arising out of P.S. Case No. - null Year - null Thana - null District - SASARAM (ROHTAS)

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1. Hazi Mhd. Sahabudin Ansari, S/O Late Salim
 2. Farahat Bano, Wife of Mhd. Sahabudin Ansari
- All are resident of Lohar Ka Neem (Jokkisahid), P.S. Sasaram, Dist. –
Rohtas
- Petitioner

Versus

1. The State of Bihar
 2. Arsi Tanvir, W/O Sahid Ansari, Resident of Lohar Ka Neem, P.S. - Sasaram,
Dist. - Rohtas at present Mohalla - Karimganj, P.O. - Gaya, Distt. - Gaya
- Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ashok Kumar Panday, Advocate

For the Opposite Parties : Mr. Ravi Shanker Sahay, Advocate

Mr. Ajay Nandan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

This application under Section 482 Cr.P.C. has been
preferred to quash the order dated 26.02.2013 passed in Complaint Case
No. 530 of 2011 by the learned Sub-Divisional Judicial Magistrate,
Sasaram.

The petitioners are parents of the husband of opposite
party no. 2. Opposite party no. 2 Arsi Tanvir filed Complaint Case No.
530 of 2011 against her husband and other relations of the husband
including the petitioners for alleged commission of offences under
Section 498A of the Indian Penal Code and Section 3/4 of the Dowry of
Prohibition Act.

By the impugned order, the learned court below has



directed issuance of process against the husband and these petitioners only and not against other named accused persons.

The impugned order has been challenged on the ground that there is general and vague allegation against the petitioners. The petitioners are separate from the complainant and her husband. They are very old persons and they have just been roped in the case to be unnecessarily harassed.

Contention of opposite party no. 2 is that in para 3 of the complaint petition, there is specific allegation against the petitioners to the extent that on the instigation of petitioner Hazi Mhd. Sahabudin Ansari to bitterly assault so that illegal demand be fulfilled, petitioner Farahat Bano and others stopped food to the complainant and started torturing her in other ways also.

Since there is specific allegation of commission of assault against the petitioner and probable defence can be looked into at the stage of trial, I am not inclined to interfere with the impugned order, accordingly this application stands dismissed as devoid of merit.

(Birendra Kumar, J.)

Kundan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	13.01.2016
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