

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47203 of 2013

Arising Out of PS. Case No.-349 Year-2013 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1.Abdul Rashid @ A. Rashid son of Abdul Samad.

2.Abdul Samad, son of late Sheikh Chhotu,

3.Nasrin Bin @ Nasrin, wife of Abdul Samad,

These three are residents of Ganj Housing Board Colony (Betul), P.S. Betul,
District-Betul (M.P.).

4.Abdul Ahmed @ Ahmed, son Abdul Samad.

5.Ajnum Saleha @ Sleha Anjum, wife of Abdul Ahmed,

There two are residents of Ward No. 14, Dr. Ambedkar Ward, Tehsil-
Bhainsadehi, P.S. Bhainsadehi, District Betul (M.P.).

6.Zubaida Bin @ Zubaida Khatoon wife of late J.K. Quraishi, daughter of late
Sheikh Chhotu, resident of Ganj Housing Board Colony (Betul), P.S. Betul,
District Betul (M.P.).

7.Sajeet Ali, son of Masid Ali, resident of Garg colony, Betul, P.S. Betul,
District Betul (M.P.).

... .. Petitioner/s

Versus

1.State Of Bihar.

2.Ajma @ Uzma @ Uzma Sheikh @Shabnam @ Shabnam Khan, wife of
Abdul Rashid, daughter of Nazmul Khan @ Nazmul Ali, resident of Ajanta
Motor Works, Azad Ward, Bhoura, P.S. Shahpur, District Betul (M.P) at
present resident of village Hulsera, P.S. Bhagwanpur, District Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv

For the Opposite Party/s : Mr. ARUN KR.PANDAY(APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT



Date : 02-08-2017

Heard learned counsel for the parties.

The present application under Section 482 of the Cr.P.C has been filed for quashing the order dated 19.03.2013 passed by the learned S.D.J.M., Siwan, taking cognizance against the petitioners for the offence punishable under Section 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Briefly stated, the facts of the case is that complainant-Opposite Party No. 2 filed a complaint case being C.C. No. 349 of 2013 on 22.02.2013, before the court of learned Chief Judicial Magistrate, Siwan, Bihar, inter alia alleging that she was married to petitioner no. 1 Abdul Rashid, on 20.11.2011 according to Muslim customs at Baitul in the State of Madhya Pradesh.

After marriage the complainant-Opposite Party No. 2 was living in her matrimonial house at Baitul in Madhya Pradesh, but soon thereafter accused-petitioners started torturing and demanding dowry from the complainant. It has been further alleged that the accused-



petitioners tried to kill her by setting her on fire and thereafter she was ousted from the house and the complainant-Opposite Party No. 2 thereafter had filed the complaint case under Section 498A, 506 and 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act before the Chief Judicial Magistrate, Siwan and the same was transferred to S.D.J.M., Siwan and thereafter statement of complainant was recorded on S.A on 01.03.2013, witnesses were examined on her behalf and the court of S.D.J.M., Siwan took cognizance against the petitioners by order dated 19.03.2013, and issued summons for their appearance.

The petitioners have stated in their application before this Court that no offence or part of offence was committed or consequence has ensued in the territorial jurisdiction of court of C.J.M. at Siwan. It has been further stated on behalf of the petitioners that the marriage was solemnized in Baitul, parents of the complainant also reside in Baitul, the alleged offence was also committed in Baitul as such the court of Siwan has no



territorial jurisdiction for taking cognizance against the petitioners, and on the ground of lack of territorial jurisdiction the order taking cognizance is fit to be quashed. This Court on 06.12.2013 had issued notices to the complainant-Opposite Party No. 2 and had ordered not to take any coercive step against the petitioners. On notice, the complainant-Opposite Party No. 2 appeared through her counsel and it has been stated on her behalf that she is no more willing to pursue the present complaint case in Siwan and wants to withdraw the same. Although several opportunities was granted to Opposite Party No. 2 to controvert the allegation of accused-petitioners but no counter affidavit was filed to demonstrate that the court of C.J.M. at Siwan has territorial jurisdiction to entertain the complaint.

After hearing both the parties and considering the statement made by the learned counsel for the complainant-opposite party no. 2 that she does not want to pursue the complaint case before the S.D.J.M., Siwan, the order dated 19.03.2013 passed by the S.D.J.M., Siwan in



Complaint Case No. 349 of 2013 corresponding to Trial No. 4221 of 2013 taking cognizance under Section 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act is quashed, and the court below is directed to return the complaint for presentation to proper court under Section 201 of the Cr.P.C.

Petition is allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

