

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24357 of 2014

Arising Out of PS.Case No. -3132 Year- 2004 Thana -PATNA COMPLAINT CASE District-
PATNA

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Md. Zafir Shah Son of Late Md. Aziz Shah, Resident of Village - Kandi, P.S.
Chandauti, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Akbari Khatoon, D/o Abdul Wahab, W/o Md. Mumtazuddin R/o Mohalla-
Sadisopur, P.S. Bihta, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kr. Singh

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 23-06-2017

1. The petitioner seeks quashing of the order dated 12.01.2005 passed by the learned S.D.J.M. in Complaint Case No. 3132(C) of 2004 whereunder cognizance of offence under Section 498A of the Indian Penal Code was taken against this petitioner and other co-accuseds.

2. The learned counsel for the petitioner submits that the petitioner is the *Nandoi* of the complainant and he has no concern with the affairs of the complainant for her husband. The allegation of torture and assault is specific against the husband. This petitioner has been made accused with ulterior motive. The other family members had filed Cr. Misc. No. 43085 of 2010 for quashing the impugned order which was allowed on 03.05.2013 by a co-ordinate Bench of this



Court. The only allegation that has come against this petitioner is that he caught hand of the complaint and ousted from the house and so no offence under Section 498A of the Indian Penal Code is made out.

3. The learned APP, on the other hand, opposed the submissions.

4. On perusal of materials available on records, I find that altogether six persons have been added in the category of accuseds by the complainant. Out of them, proceeding against three persons has been quashed by a co-ordinate Bench of this Court. Allegation against this petitioner is omnibus and he allegedly caught hand of the complainant on one occasion, so persecution of this petitioner, in my view, is abuse of process of Court. He is distantly related to the complainant and there is absolutely no allegation of demand of dowry or torture against him.

5. In view of the facts stated above, this Cr. Misc. is allowed and the order dated 12.01.2005 passed by the learned S.D.J.M. in Complaint Case No. 3132(C) of 2004, so far this petitioner is concerned, is quashed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
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