

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24498 of 2014

Arising Out of P.S.Case No. -743 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Md. Jawed Alam.
 2. Md. Parwej Alam.
 3. Md. Altap Alam.
 4. Md. Iqbal Alam. All sons of Md. Abul Hasan. Residents of village
Diyama, Police Station Karai Parsurai, District Nalanda.

.... Petitioners

Versus

1. The State of Bihar.
2. Seema Khatoon wife of Md. Jakir Hussain Resident of village Diyama,
Police Station Karai Parsurai, District Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate

For the Opposite Party : Mr. M.K.Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 28-06-2017 Heard Sri Anil Kumar Singh, learned counsel for the
petitioners and Sri M.K.Khare, APP.

2. This is an application under Section 482 of the
Cr.P.C for quashing the order dated 10.04.2014 passed by Judicial
Magistrate Ist Class, Hilsa (Nalanda) in Complaint Case No.743C
of 2013 whereby and whereunder the learned Magistrate finding
prima-facie case for the offence under Section 341, 354, 379 and
448/34 of the IPC took cognizance and summoned the petitioners.

3. The facts in brief is that the Opposite Party No.2
filed a complaint case before the ACJM, Hilsa alleging inter-alia
that on 06.08.2013 at about 4.30 P.M. all the petitioners armed



with deadly weapons entered into her house in the absence of her husband. They removed her *Dupatta* and started dragging her with intention to outrage her modesty. They abused and assaulted the informant and also snatched gold chain worth Rs.30,000/- from her possession.

4. The learned counsel for the petitioners submits that the petitioners are neighbours of the complainant. The allegation against the petitioners is omnibus. The present complaint case has been lodged as counter-blast to the complaint case no.729C of 2013 which was filed by petitioner no.1 against the husband of complainant and his family members. The petitioner nos.2 and 3 were not at their village home rather they were working at Delhi. In support of his contention, the learned counsel filed the attendance sheet of their concern firm. The allegation of assault and outraging modesty of omnibus and so the impugned order is fit to be quashed.

5. The learned counsel for the Opposite Party No.2 and the complaint opposed the submissions

6. On perusal of the annexures enclosed with this application. It appears that the complaint petition of the petitioners was filed just on the preceding day on which complaint petition was filed. The allegation of entering into the house of the



complainant in the absence of her husband and removing *dupatta* is specific against the petitioners. Besides the complainant, three more witnesses have supported the allegation made in the complaint petition. The learned Magistrate finding prima-facie case has rightly ordered for issuance of summons. The defence of the petitioners shall be considered at the stage of trial.

7. In the facts and circumstances of the case, I do not find any merit in this application. Accordingly, this criminal miscellaneous application is dismissed.

(Sanjay Kumar, J)

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