

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29446 of 2014

Arising Out of PS.Case No. -962 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Md. Anwar Imam son of Manzar Imam
 2. Manzar Imam son of Md. Abdul Jabbar Bux
Residents of village Gandhi Gramund Moti Masjid, Police Station Hind
Pidi, District Ranchi (Jharkhand)

.... Petitioners

Versus

1. The State of Bihar.
2. Bibi Shahina Parween daughter of Md. Salahuddin
Resident of village Chandradeep, Police Station Chandradeep, District
Jamui.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Mayanand Jha (App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 03-07-2017 Heard learned counsel for the petitioners and the learned
APP for the State.

The petitioners challenge order taking cognizance dated 30.11.2011, passed by learned S.D.J.M., Jamui in Complaint Case No.962C of 2011 whereby cognizance is taken under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.1, husband and petitioner no.2, father-in-law have falsely been implicated in this case as prior to filing of this complaint, she was already divorced by her husband-petitioner no.1 on 17.04.2011 whereas this complaint was filed on 29.07.2011 so after three months of the divorce, this false case in retaliation was filed. Earlier the matter was referred to Mediation Centre but it failed.



Learned counsel for opposite party no.2-complainant submits that the petitioners tortured the complainant in connection with demand of dowry and no divorce was pronounced in her presence by pronouncing '*Talaq*' three times.

However, the allegation in brief is that complainant was married with petitioner no.1 on 03.10.2009 and soon after they started torturing her for further demand of dowry and within a year of the marriage she was driven out of the matrimonial home.

Having considered the rival submissions of both sides and on perusal of the contents of allegations, there appears specific allegation that the complainant was ousted from her matrimonial home on 05.11.2010 and the pronouncement of '*Talaq*' is disputed question of fact moreover the allegation of torture relates prior to the so called '*Talaq*' so finding no ground for interfering with the order of cognizance dated 30.11.2011, passed by learned S.D.J.M., Jamui in Complaint Case No.962C of 2011, the prayer of setting aside the order of cognizance is dismissed.

The petition stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

U		T	
---	--	---	--

