

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37441 of 2014

Arising Out of PS.Case No. -2032 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Nemat Jahan W/o Noor Mohammad R/o Village and P.S. - Belsand, Ward No. 5, District - Sitamarhi., A/p - D/o Late Jafrul Hasan, R/o Village - Maula Nagar, P.S.- Belsand, District - Sitamarhi.
 2. Hamida Khatoon W/o Late Jafrul Hasan R/o Village- Maula Nagar, P.S. - Belsand, District - Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. Md. Nurul Haque S/o Late Dost Mohammad R/o Village and P.S. - Belsand, Ward No. 5, District - Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Dinesh Jha, Advocate
For the State : Mr. Ajay Kumar-I,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 07-08-2017

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State. However, no one appeared on behalf of the complainant despite the service of notice.

2. The petitioners seek quashing of order dated 13.3.2014 whereby J.M. Ist Class in connection with Complaint Case No.2032 of 2012 has taken cognizance of offence under Sections 323, 504, 34 of the Indian Penal Code.

3. It is submitted on behalf of the learned counsel for the petitioners that the present complaint was filed by father-



in-law of petitioner no.1 only to put pressure on her for withdrawing a case filed by her against her husband, father-in-law, the complainant and others under Section 498A of the Indian Penal Code. Prior to the present complaint case under Section 498A of I.P.C. was filed by petitioner no.1 on 22.11.2012 whereas the present false complaint of theft and assault was also filed on 22.11.2012 with respect to the alleged occurrence dated 6.11.2012, so this present complaint is malicious in nature; whereas the learned counsel for the State submits that there is allegation against all the accused that they stayed in the house of the complainant in night. In the morning, he saw the accused persons going away along with suitcase when he objected they assaulted the complainant.

3. Having considered rival submissions of both sides, it is apparent that petitioner no.1 is daughter-in-law of the complainant but there is no disclosure of any relationship in between the complainant and accused in the present complaint. The allegation in the complaint petition is that accused persons came in the evening of the house of the complainant and he permitted them to stay in the night. In the Varandah of the house they slept and in the morning, he found a suitcase missing, thereafter, followed them and found them going away with the



suitcase so the allegation of theft is against daughter-in-law and her entire family due to matrimonial discord. The allegation alleged in the complaint appears absurd and improbable as well as it is malicious in nature, so the criminal proceeding inclusive of the cognizance order dated 13.3.2014 passed in Complaint Case No.2032 of 2012 with respect to the petitioners is hereby set aside.

4. The petition stands allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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