

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36082 of 2014

Arising Out of P.S.Case No. -395 Year- 2014 Thana -BIHTA District- PATNA

- =====
1. Md. Sajid @ Md. Sajid Hussain, son of Md. Zakir Hussain, resident of village + P.O. Lai, P.S. Bihta, District-Patna
 2. Noor Fatima, wife of Md. Akbar, D/W Jakir Hussain, resident of village-Sadisopur, P.O. Sadisopur, P.S. Bihta, District-Patna

.... Petitioners

Versus

1. The State of Bihar &
2. Naseema Khatoon, wife of Md. Saheed, resident of village-Nawhi, P.S.Naubatpur, District-Patna.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Suresh Prasad, Advocate
For the Opposite Party No.2	:	Mr. Md. Fahimuddin, Advocate
For the State	:	Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 31-10-2017

This application under Section 482 of the Cr.P.C. has been filed to quash the FIR of Bihta P.S.Case No.395 of 2014.

2. Heard learned counsel for the petitioners, learned counsel for the Opposite Party No.2 as well as learned APP for the State.

3. It has been submitted that the petitioner no.1 Md. Sajid @ Md. Sajid Hussain is husband of Opposite Party No.2 and petitioner no.2 is his sister. Petitioner no.1 has died in road accident in Kingdom of Saudi Arabia. A certificate to this effect has been produced by the petitioners. The learned counsel for the Opposite Party No.2 admit this fact that the husband of Opposite Party No.2 has died. In this view of the matter, petitioner no.1 cannot be prosecuted and to this extent his prosecution on the basis of said FIR is quashed.

4. So far as petitioner no.2 is concerned, she is married



sister of the husband of the Opposite Party No.2. The allegation against this petitioner appears omnibus. The Opposite Party No.2 has lodged FIR against six persons including this petitioner. The allegation of demand of Rs.1,00000/- is not specific against this petitioner rather omnibus against the in-laws and husband. It has been simply alleged that all the accused persons used to abuse and assault her on account of non-fulfilment of said demand. She is married with Md. Akbar and she has claimed that she is residing at different place at village-Sadisopur, P.S. Bihta, District-Patna. The criminal prosecution of this petitioner who is married Nanad on the basis of vague allegation in the FIR appears to be abuse of the process of the Court.

5. In the facts and circumstances, this criminal miscellaneous application is allowed and criminal prosecution of this petitioner on the basis of said FIR quashed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
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