

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3477 of 2014

Arising out of Case No. -1433 Year- 2009 Thana -GAYA COMPLAINT CASE District- GAYA

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Md. Mansoor Alam, Son of Md. Tabarak Hussain, Resident of Mohallah - Satayar Ganj, Islampur, Police Station - Islampur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

2. Rabia Khatoon, Wife of Md. Mansoor Alam, D/O Md. Hanif Warsee, Resident of Mohalla- Buda Nagar, Islampur, Police Station and Post Office - Islampur, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-07-2017

Heard learned counsel for the parties.

2. This application is filed for quashing order dated 29.10.2009 passed by Sri Kumar Gunjan, Judicial Magistrate 1st Class, Gaya in Complaint Case No. 1433 of 2009 (Trial No. 2399 of 2009) whereby he has taken cognizance of the offence under Sections 498A, 323, 379 and 504 of the Indian Penal Code.

3. The allegation, in brief, is that after solemnization of marriage of the complainant with the petitioner, she was tortured and harassed for realizing further dowry, out of this wedlock four children were also borne, one son and three daughters, ultimately she was ousted from matrimonial house when demand of dowry was not fulfilled.



4. Learned counsel for the petitioner submits that every sincere effort was made to compromise the matter by the petitioner but due to negative attitude of the wife, compromise could not be reached though earlier matter was also referred to Mediation Centre, but mediation failed, recently also effort for compromising is going on.

5. Learned counsel for the O.P. No. 2 submits that already efforts of compromise failed. Matter was sent to Mediation Centre also but it failed and at present no effort of compromise has been initiated by the petitioner. He further submits that the petitioner is husband and there is specific allegation against him of torturing and doing harassment for realizing further dowry.

6. Having considered the rival submissions and on perusal of the statement made in complaint and material available on record, I do not find any ground for interfering with the cognizance order. The case still lingers at the cognizance stage, which was taken in the year 2009, so this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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