

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36963 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -MAHILA P.S. District- SAHARSA

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1. Md. Imtiyaz S/on Md.Iftekhar
 2. Md. Iftekhar S/o Late Muslim
 3. Jubeda Khatoon W/o Md. Iftekhar
 4. Md. Naushad S/o Md.Ayub
 5. Taraunam Khatoon W/o Md. Naushad All Resident of Village-Sitanabad Utari

.... Petitioners

Versus

1. The State of Bihar
2. Rajiya Sultan wife of Imtiyaz, daughter of Md. Yausuph, resident of village Sitarabad Utari, Police Station Bakhitayarpur, District Saharsa.

..... Opposite parties

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Appearance :

For the Petitioners : Mr. Rakesh Mohan Singh, Advocate
For the State : Mr. Ashok Kumar Singh-I (APP)
For the opp.party no.2 : Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-11-2017

Counsel for the petitioners as well as counsel for the opposite party no.2 are present.

Husband and in-laws are the petitioners in the instant case filed for quashing the order dated 3.8.2013, whereby and whereunder cognizance of the offence has been taken under sections 498A, 494/34 IPC by the court of the Chief Judicial Magistrate, Saharsa.

Today, submission has been made on behalf of opposite party no.2 that the husband of opposite party no.2 is not even paying the maintenance amount fixed by the court below.

Be that as it may, it appears that the Complaint case no.870(C) of 2013 was filed on 21.2.2013, thereafter under orders of



the court the matter was registered as Mahila Police Station Case No. 21 of 2013 dated 15.3.2013. Police conducted investigation and submitted charge sheet against five (petitioners) out of eleven accused persons and considering the charge sheet the Chief Judicial Magistrate, Saharsa took cognizance of the offence under sections 498A/494/34 IPC against them on 3.8.2013. Further, on going through the allegations levelled against the petitioners, I find that there is sufficient material for arriving at prima facie opinion for taking cognizance. There appears to be no infirmity in the order taking cognizance dated 3.8.2017.

In the result, the quashing application stands dismissed.

(Madhuresh Prasad, J)

Shashi.

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