

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23690 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- KISANGANJ

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Manzar Ansari @ Md. Manzar Ansari @ Guddu, son of Md. Kasim Ansari, R/V
Barsoi, Bazar Maszid Chauwk, P.S. Barsoi, Distt. Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Anwari Khatoon, W/o Md. Manjar Ansari @ Guddu, resident of Village Barsoi Bazar, Masjid Chowk, P.S. Barsoi, District- Katihar, at present residing at Village Babubasti Teghariya, P.S. Kishanganj, Distt. Kishanganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-05-2017

Heard learned counsel for the petitioner. The Opposite
Party No. 2 did not appear despite valid service of notice.

2. This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing the order dated
21.02.2011 passed by the Sub-Divisional Judicial Magistrate,
Kishanganj in Complaint Case No. C-959.2010 by which the learned
Magistrate has taken cognizance under Section 498A of the Indian
Penal Code against the petitioner and other accused persons.

3. As per the complaint petition, the complainant was
married with the petitioner in the year 2007 according to the Muslim
rite. She was tortured and assaulted by the petitioner for demand of
dowry. The complainant also learnt that her husband has affair with
another lady. The petitioner had brought that lady to his house and
asked the complainant to live with her. The complainant raised



objection then she was assaulted and ousted from the house. The husband of the complainant performed another marriage.

4. Lower Court Record has been received in this case. The complainant in her S.A. has fully supported her case leveling specific allegation of torture and performance of another marriage. The statements of other four witnesses have also been recorded. They have all supported the case of the complainant.

5. The Court below after holding enquiry on the basis of allegation made in the complaint and considering the statement made by the complainant in her S.A. and statements of the witnesses, passed the impugned order. Therefore, this Court does not find any error in the impugned order of the learned Magistrate.

6. Accordingly, this Criminal Miscellaneous Application is dismissed.

7. The petitioner may raise all the points as raised in this application at the time of framing of charge before the court below which shall be disposed of in accordance with law.

(Sanjay Priya, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2017
Transmission Date	

