

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24101 of 2014

Arising Out of P.S.Case No. -1800 Year- 2012 Thana -SARAN COMPLAINT CASE
District- SARAN

- =====
1. Md. Tabrez Alam Son of Late Kalam Khan @ Shamshad Khan
 2. Sarwar Khan Son of Kalam Khan @ Shamshad Khan
 3. Monjara Khatoon Wife of Late Kalam Khan @ Shamshad Khan All
Resident of Mauza- Kopa, P.S- Kopa, District- Saran at Chapra (Bihar)

.... Petitioners

Versus

1. The State of Bihar
2. Jahan Ara @ Guriya Wife of Md. Tabrez Alam Daughter of Sagir Khan
Resident of Mauza - Kopa, P.S- Kopa, District- Saran at Chapra
presently residing at Village Maricha, P.S- Bainyapur, District- Saran at
Chapra.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Umesh Kumar Mishra, Advocate
For the Opposite Parties : Mr. J.Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 23-06-2017

Heard.

2. The petitioners seek quashing of order dated 4.12.2013 passed by SDJM, Saran at Chapra in Inquiry No.141 of 2013 (Complaint Case No.1800 of 2012) whereby and whereunder the SDJM finding prima-facie case for the offence under Section 498A of the IPC took cognizance against these petitioners who are husband, Dewar and mother-in-law of Opposite Party No.2.

3. The facts and brief is that the Opposite Party No.2 filed a complaint case no.1800 of 2012 on the file of Chief Judicial Magistrate, Chapra, Saran alleging inter-alia that she was married



with the petitioner no.1 on 12.11.2005 and at that time her parents had given sufficient dowry. Her husband and in-laws were not satisfied with the demand and so they started torturing and assaulting the complainant and after snatching her entire ornaments worth Rs.2,00000/- ousted from their house.

4. The learned counsel for the petitioners submits that the wife is not willing to live with the petitioner no.1 and she is in habit of filing case after case against the petitioners. She has filed three cases which have been annexed as Annexures-1 to 3 to the application. The allegations made in all the three petitions are identical. The petitioner no.1 earns handsome money and so question of demand of money or dowry does not arise. The Opposite Party No.2 in spite of service of notice did not file counter affidavit to the petitioners and so the order taking cognizance is fit to be quashed.

5. The learned APP opposed the submission.

6. On perusal of material on record, I find that the complainant has filed two complaint cases against the petitioners besides police case. All the three cases registered against the petitioners relate to different dates of occurrence. Even if the facts in the said cases are identical, the petitioners will have opportunity to raise the point before the court below. The Magistrate



considering the material on record has rightly taken cognizance of offence.

7. Thus for the above reasons, I find that the petitioners have not been able to make out a case of quashing the impugned order. Accordingly, this criminal miscellaneous application is dismissed.

(Sanjay Kumar, J)

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