

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19458 of 2014

Arising Out of PS.Case No. -1185 Year- 2011 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Md. Sahin Firoz Son of Md. Firoz Alam Resident of village- Khiriban,
Police Station- Jagdishpur, District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar
2. Mushrat Zabin Wife of Md. Sahin Firoz, daughter of Md. Wasimur Rahman Resident of village- Bhatta, Police Station- Kashi Chak, District- Nawada

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Harun Quareshi, Advocate

For the Opposite Parties : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 19-06-2017 This is an application filed under Section 482 of the Cr.P.C. for quashing the order dated 03.03.2012 passed in Complaint Case No.1185 of 2011 by Sub Divisional Judicial Magistrate, Nawada.

2. Sri Md. Harun Quareshi, counsel for the petitioner and APP for the State. Nobody appears on behalf of Opposite Party No.2. although notice has served on her lawyer conducting the case before the court below.

3. The petitioner is the husband of Opposite Party No.2 who filed complaint case on the file of Chief Judicial Magistrate, Nawada alleging interalia that after her marriage which took place on 16th March, 2009, her husband in-laws started torturing her in connection with demand of Rs.1,00000/- as further dowry. She has



been alleged that on 28th November, 2011, her husband and his family members attempted to sprinkle kerosene oil to do away with her life. The complainant in course of enquiry has supported the allegation of torture against the petitioner. The court below finding prima-facie case for the offence under Section 498A of the IPC ordered issuance of summons.

4. The contention of counsel for the petitioner is that the wife is not willing to reside at matrimonial house and further that he has been granted bail by this High Court. He has filed a petition for restitution of conjugal rights showing his willingness to keep the wife.

5. On perusal of impugned order, it appears that the petitioner is the husband of the complainant and specific allegation against him is that he started torturing and assaulting the complainant since the date of marriage in connection with demand of further dowry. The complainant in her solemn affirmation and two more witnesses have supported the allegation of torture. The court below after going through the material on record took cognizance of offence. This application is thus devoid of merit and, is, accordingly, dismissed.

(Sanjay Kumar, J)

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