

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21434 of 2014

Arising Out of PS.Case No. -1096 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Mobin Ali S/o Sikandar Ali
 2. Sikandar Ali S/o Late Md. Sheraj Ali
 3. Rabina Begam W/o Sikandar Ali, All Resident of Village- Ramganj, P.O. and P.S.- Kalpi, District- Jaline, Uttar Pradesh

.... Petitioner/s

Versus

1. The State of Bihar
2. Umearia Khatoon D/o Md. Nazir Ahmad, R/o Mohalla- Kaghia Tola, P.O.- Jhauganj, P.S.- Khajekalan, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv
For the Opposite Party/s : Mr. A.M.P. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 05-07-2017

Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel appearing on behalf of Opposite Party No. 2.

The present quashing application has been filed for quashing the order dated 23.01.2014, passed by learned S.D.J.M., Patna City, Patna in Complaint Case No. 1096 of 2013, by which cognizance for the offence punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, has



been taken against the petitioners and summons has been issued for their appearance.

The complainant-opposite party no. 2 Umearia Khatoon, has alleged in her complaint petition that she was married with petitioner no. 1 Mobin Ali on 07.11.2005 as per muslim rites and rituals and from the said wedlock two daughters were born. Thereafter she was being tortured in her matrimonial house and Rs. 3 lakhs was demanded as dowry and due to non fulfillment of dowry amount, she was being harassed and tortured and abused.

After examining the complaint petition, S.A of the complainant, witnesses were examined on her behalf and on the basis of materials available on record, the Court below took cognizance against the petitioners under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and issued summons for their appearance and trial. However, regarding rest of the persons who were arrayed and made accused, the court below did not find sufficient ground to proceed against them. The three accused persons against whom the court had taken cognizance on the complaint filed by the Opposite Party no. 2, have filed the present petition to quash the order taking cognizance dated 23.01.2014.

After hearing the parties and going through the order passed by the learned court below, I do not find any illegality or



infirmity in the same. As such the present petition filed under Section 482 of the Cr.P.C is, hereby, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.07.2017
Transmission Date	10.07.2017

