

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39698 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Manzoor Alam Ansari @ Manzoor Alam Son of As Mohamad Ansari
 2. As Mohamad Ansari son of Late Toubig Ansari
 3. Noor Alam Ansari Son of As Mohamad Ansari
 4. Sabnam Khatoon Daughter of As Mohamad Ansari
 5. Kusum Nesha @ Kulsoom Begum Wife of As Mohamad Ansari All are
Resident of Village -Chhot Bariyarpur, Kuriy Tola, Near Naya Pani Tanki,
Sugar Mill Road, P.S.- Chhatouni, District - East Champaran at Motihari

.... Petitioners

Versus

1. The State of Bihar
2. Naheeda Praveen Wife of Manjoor Alam Ansari and Daughter of Rahim Ansari
Resident of Hanuman Gadhi, gauri Shankar School Road, Salam Nagar, P.S-
Motihari Town, District - East Champaran at Motihari

.... Opposite Party/s

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Appearance :

For the Petitioners : Dr. Amrendra Kumar, Advocate
For the State : Md. Mushtaque Alam, APP
For O.P. No.2 : Mr. Jitendra Narain Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 07-12-2017

Heard learned counsel for the petitioner, learned APP for
the State as well as learned counsel appearing on behalf of opposite
party no.2.

2. The petitioners seek quashing of cognizance order
dated 07.05.2014, passed by learned S.D.J.M., Sadar, Motihari in
Complaint Case No.110 of 2014 thereby taking cognizance of the
offence under Sections 498A and 379 of the Indian Penal Code as
well as under Section 4 of the Dowry Prohibition Act.

3. A brief fact giving rise to the case is that on 21.04.2011
complainant was married with Md. Manzoor Alam, petitioner no.1.



The complainant's husband after marriage started making further demand of Rs.1,00,000/- cash, motorcycle and freeze at the instigation of his father As Mohammad Ansari, many times the complainant was sent back to her parents' home. It is also alleged that in the matrimonial home the mother-in-law and Nanad used to throw hot water over the body of the complainant.

4. Learned counsel for the petitioners submits that no specific allegation is levelled against the accused persons, so prima facie under Section 498A of the Indian Penal Code and other offences are not made out against the accused persons.

5. Having considered the rival submissions and on perusal of the records, there appears specific allegation against the husband, Manzoor Alam Ansari @ Manzoor Alam, petitioner no.1 as well as against petitioners no.4 and 5 Nanad and mother-in-law with regard to making demand of dowry and committing torture and it is alleged against petitioners no.4 and 5 that they used to throw hot water over the body of the complainant. However, the allegation is not specific against the father-in-law, As Mohammad Ansari, and brother of the husband, Noor Alam Ansari, petitioners no.2 and 3 except the bald allegation hence, criminal proceeding inclusive of the order of cognizance dated 07.05.2014, passed by learned S.D.J.M., Sadar, Motihari in Complaint Case No.110 of 2014 and subsequent criminal



proceeding with respect to petitioners no.2 and 3 is hereby quashed.
However, it is made clear that the criminal proceeding will proceed further against Manzoor Alam Ansari @ Manzoor Alam, Sabnam Khatoon and Kusum Nesha @ Kulsoom Begum, petitioners no.1, 4 and 5 respectively in accordance with law.

6. Accordingly, the quashing application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2017
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