

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10971 of 2015

Arising Out of PS. Case No.-2137 Year-2013 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Rubeda Khatoon, Wife of Late Tajuddin Alam @ Md. Tajuddin
 2. Iftekhar Alam @ Md. Iftekhar Alam @ Iftekar Alam, Son of Late Tajuddin Alam @ Md. Tajuddin.

Both resident of Mohalla - Line Bazar Police Station - K.Hat,
District-Purnea, at present residing at Village - Lakhnare, Police
Station - Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Mahenaz Begum @ Methi Daughter of Mazloom Hassan Ansari
Resident of Village - Sonapur, Police Station - Jalalpur, District - Purnea, at
present residing at Mohalla - Madhopura, Azad Nagar, Police Station - K.Hat,
District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Advocate Mr. Md. Nurul Hoda, Advocate
For the Opposite Party No.1	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date : 21-03-2018

Sri Satish Chandra Mishra, learned counsel for the petitioner
is present. None appears for opposite party no.2 even though
served.

Applicants herein seek quashing of a criminal case registered
against them by the Judicial Magistrate 1st Class, Purnea in



Complaint Case No.2137 of 2013 taking cognizance for offence under Sections 406, 420 and 120B of the Indian Penal Code.

Complainant-opposite party no.2 in spite of notice has not appeared and having heard learned counsel for the applicants and on a perusal of the material available on record it is seen that complainant Bibi Mahenaz Begum @ Methi filed the complaint case *inter alia* on the ground that she is a teacher in Government Primary School Jhauari since 2006. Her father and father of respondent no.1, the accused, who is a retired Accountant, were friends, they were in family terms and the members of both the families used to visit each other house. In the process it is said that accused no.1 became friendly with the complainant and her family members. She fell into his trap, on the promise of marriage, had relationship with him and sometimes in July, 2013 she was tempted to purchase certain piece of land for a consideration of Rs.6,50,000/-. It is said that accused no.1 is a land broker and being influenced by him, the complainant agreed to purchase land and accordingly, a sum of Rs.3,00,000/- was granted to accused no.1. He deposited certain sale deeds and paper with her; and the second installment of Rs.2,50,000/- was given by her to accused no.1 in the presence of accused no.2 Tajuddin Alam and third installment of Rs.1,00,000/- was also paid by her to accused no.1.



Inter alia contending that in spite of receiving more than Rs.7.5 lacs, accused no.1 has not registered sale deeds, did not marry her and committed an offence, as indicated hereinabove above, the complaint was filed and in support of the complaint, statements of three witnesses were recorded, namely, the applicant herself and her two witnesses namely Bibi Mahenaz Begum, sister of the complainant, and another person, namely one Md. Rafique Ahmad.

Having gone through the body of the complaint, as is available from page 10 of the paper book and the statements of three witnesses, it is seen that the allegations are against Afshar Alam @ Munna, who is said to have developed relationship with the complainant, promised her that he will marry her and thereafter took money from her for transferring a piece of land. At best, the allegations are also against accused no.2 who is a witness to the transaction, for transfer of land between the complainant and his eldest son accused no.1. As far as present applicant no.1, i.e. respondent no.3 Rubeda Kahtoon in the complaint, who is the wife of accused no.2 and mother of accused no.1 is concerned, there is no allegation against her, specific in nature, with regard to inducing for payment of money or any promise made. Similarly, applicant no.2 Iftekhar Alam @ Md. Iftekhar Alam @ Iftekar Alam who is the son of accused no.2 and brother of accused no.1, there



is no whisper against him either in the body of the complaint or in the statement of the complaint recorded and available on record as Annexure—1/1 and the statements of witnesses CW 1 Bibi Mahenaz Begum and CW2 Md. Rafique Ahmad. The entire statements of witnesses and the complainant speak about the acts of commission and omission by accused no.1 Afshar Alam @ Munna and his father accused-respondent no.2 Tajuddin Alam in receiving money in his presence. As far as the present applicants Rubeda Khatoon and Iftekhar Alam @ Md. Iftekhar Alam @ Iftkar Alam are concerned, there is no whisper of any acts of commission or omission against them in the entire transaction in question and, in my considered view, on a perusal of the entire record, there is nothing against the present applicants to register the complaint case. They have been implicated without there being any *prima facie* material or evidence against against them. Therefore, it is a fit case where the application filed by both the applicants should be allowed and the proceedings against them quashed.

Accordingly, the application is allowed. Complaint Case No.2137 of 2013 registered against applicant no.1 Rubeda Khatoon and applicant no.2 Iftekhar Alam @ Md. Iftekhar Alam @ Iftkar Alam and the order taking cognizance against them stand



quashed. They are discharged of the proceedings. The complaint
case made against the remaining accused persons shall continue.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2018
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