

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8324 of 2015

Arising Out of PS.Case No. -704 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Akhtari Begam @ Aabda Khatoon wife of Late Gulam Mustafa
 2. Rokhsana Parween @ Nikhat Sultana daughter of Late Gulam Mustafa
 3. Jinnat Parween wife of Md. Shibli Nomani
 4. Afsana Parween daughter of Late Gulam Mustafa All are resident of village- Rehua, P.S- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruhi Parween wife of Sri Jahid Rahmani resident of village- Rehua, P.S. - Rosera, District Samastipur, present address daughter of Abdul Razzak , resident of Village- Jitwarpur Chauth, P.S. - Samastipur Muffasil, District- Samastipur.

.... Opposite Party/s

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with

Criminal Miscellaneous No.8358 of 2015

Arising Out of PS.Case No. -704 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Rizvi Rahmani @ Md. Kaishar Rizvi
 2. Quraish Rahmani @ Md. Quraish,
 3. Shivani Umani @ Shibli Nomani All are Sons of Late Gulam Mustafa, Resident of Village - Rehua, P.S. - Rosera, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruhi Parween Wife of Sri Jahid Rahmani, Resident of Village - Rehua P.S. - Rosera, District - Samastipur, present address daughter of abdul razzak, resident of village - Jitwarpur Chauth, P.S. - Samastipur Muffasil, District - Samastipur.

.... Opposite Party/s

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with

Criminal Miscellaneous No.8049 of 2015

Arising Out of PS.Case No. -704 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Jahid Rahmani @ Md. Jahid Rabbani son of Late Gulam Mustafa, resident of village- Rehua, P.S. - Rosera, District- Samastipur.

.... Petitioner/s

Versus



1. The State of Bihar.
2. Ruhi Parween wife of Sri Jahid Rahmani resident of village- Rehua, P.S. - Rosera, District Samastipur, present address daughter of Abdul Razzak , resident of Village- Jitwarpur Chauth, P.S. - Samastipur Muffasil, District- Samastipur.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.8324 of 2015)

For the Petitioner/s : Mr. Manish Kumar No 13
Mr. Rohit Kumar

For the State : Mr. J. Upadhyay (App)

For O.P. No. 2 : Mr. Sunil Kumar Thakur

(In Cr.Misc. No.8358 of 2015)

For the Petitioner/s : Mr. Manish Kumar No 13
Mr. Rohit Kumar

For the State : Mr. J. Upadhyay (App)

For O.P. No. 2 : Mr. Sunil Kumar Thakur

(In Cr.Misc. No.8049 of 2015)

For the Petitioner/s : Mr. Manish Kumar No 13
Mr. Rohit Kumar

For the State : Mr. J. Upadhyay (App)

For O.P. No. 2 : Mr. Sunil Kumar Thakur

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 03-01-2018 All the three applications (Cr. Misc. No. 8324 of 2015, Cr. Misc. No. 8358 of 2015 and Cr. Misc. No. 8049 of 2015) are being disposed of by this common judgment/order as all petitioners are accused in Complaint Case No. 704 of 2014 and they have preferred quashing applications for quashing the cognizance order.

Heard learned Counsel for the petitioners as well as the learned Counsel for the State and the learned Counsel appearing on behalf of the Opposite party No. 2.

A supplementary affidavit has been filed on behalf of the petitioners. However, the contents of the supplementary affidavit were denied by the learned Counsel appearing on behalf of Opposite party



No. 2.

The petitioners have filed these quashing applications for setting aside the cognizance order dated 27.11.2014 passed by learned SDJM Samastipur, thereby taking cognizance under Section 498A IPC as well under Sections 3 and 4 of the Dowry Prohibition Act and had issued summons against them to stand trial.

The brief facts giving rise to the case is that Ruhi Parveen, the complainant (Opposite party No. 2 of these applications) filed a complaint making allegation that after solemnization of her marriage with Jahid Rahmani on 14.2.2013 all the accused persons started creating nuisance for not giving a Maruti car in dowry. Even on the day of marriage they insisted for such demand. They all started physically and mentally torturing her in that connection. It is also alleged that accused Nos. 7 and 8, the Nanads of the complainant who used to live in the Maike, their parental home after marriage, were also involved in the torture. Further it is alleged that accused No. 4 Shiwani Umani alias Shiwli Rahmani, one of the brothers of the complainant's husband, in the night of 10.11.2013 while her husband was not in the house, entered in her room, outraged her modesty and tried to sexually exploit her, when she objected then he assaulted her and fled away. Later on all the accused persons ousted her from her matrimonial home.

Learned Counsel appearing on behalf of the petitioners of Cr. Misc. No. 8324 of 2015 and Cr. Misc. No. 8258 of 2015 submits that the petitioners are old mother-in-law, two Nanads and wife of



brother of complainant's husband as well as three brothers of the complainant's husband, against them the allegations are general and not specific. They all live separately and except reference of their names in the complaint there is no specific overt act of any torture or of making any demand. The complainant never intended to live with her husband and therefore this false case was lodged.

Contrary to that learned Counsel appearing on behalf of Opposite party No. 2 submits that there is specific allegation against the husband but he concedes that the allegation against the rest are general and omnibus.

Having considered the rival submission and on perusal of the record the Court finds that there is specific allegation against the husband Jahid Rahmani @ Md. Jahid Rabbani, the petitioner of Cr. Misc. No. 8049 of 2015, so the criminal proceeding will proceed against him in accordance with law. Accordingly Cr. Misc. No. 8049 of 2015 stands dismissed.

So far as the other petitioners of Cr. Misc. No. 8324 of 2015 and Cr. Misc. No. 8358 of 2015 are concerned, they are mother-in-law, brother of the husband, Nanads of the complainant and wife of one of the brothers of complainant's husband and the allegation against them are sweeping in nature, except casual reference of their names there is no any specific overt act of torture. So the entire criminal proceeding against them inclusive of the cognizance order dated 27.11.2014 only with respect to Akhtari Begum @ Abada Khatoon, Rokhsana Parween



@ Nikhat Sultana, Jinnat Parween, Afsana Parween, Rizvi Rahmani @
Md. Kaishar Rizvi, Quraish Rahmani @ Md. Quraish and Shivani
Umani @ Shibli Nomani are hereby set aside.

Accordingly Cr. Misc. No. 8324 of 2015 and Cr. Misc. No.
8358 of 2015 are allowed.

(Arun Kumar, J.)

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