

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17893 of 2015

Arising Out of PS. Case No.-37 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Jabir Hussain Son of Md. Kamal @ Md Kalam
 2. Md. Kamal @ Md Kalam Son of Sudhu Mian
 3. Noor Jahan Khatoon W/o of Md. Kamal @ Md Kalam
 4. Md Saddam Son of Md. Kamal @ Md Kalam
 5. Md. Sabir Son of Md. Kamal @ Md Kalam
 6. Shabana Khatoon Daughter of Md. Kamal @ Md Kalam
 7. Shyameen Khatoon Daughter of Md. Kamal @ Md Kalam
 8. Nasarin Khatoon Daughter of Md. Kamal @ Md Kalam
 9. Rehan Khatoon Daughter of Md. Kamal @ Md Kalam All
Resident of Village- Sarbadha, P.S. Khizar Sarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shahnaj Pravin Wife of Jabir Hussain Resident of Village- Sarbadha, P.S.
Khizar Sarai, District- Gaya. At Present Resident of Mohalla Kashmirganj,
P.S. Masaurhi District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate
For the Opposite Party/s : Mr. SURENDRA KUMAR(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 28-03-2018

Seeking quashing of Complaint Case No.37(C) of
2014, proceedings against applications by the Judicial Magistrate,
1st Class, Masaurhi and the order dated 2.7.2014 taking cognizance
for offences under Sections- 498A and Section 4 of the Dowry
Prohibition Act, this application has been filed under Section 482
of Cr.P.C. That apart, against applicant No.1 Jabir Hussain, Son of



Md. Kamal @ Md. Kalam, cognizance has also been taken for the offence under Section 323 of I.P.C.

Having heard learned counsel for the applicants and on perusal of the complaint available on record and the statement of the complainant recorded by the Court on 17.2.2014, it is clear that she has made specific allegations only with regard to demand of a Motorcycle, dowry and assaulting her, primarily on applicant No.1, namely her husband, applicant Nos.2 and 3, namely her father-in-law and mother-in-law respectively. As far as applicant Nos.4 to 9, namely, Md. Saddam, Md. Sabir, Shabana Khatoon, Shayameen Khatoon, Nasarin Khatoon and Rehana Khatoon are concerned, there is no whisper in the body of the complaint anywhere nor in the statement recorded on 17.2.2014 with regard to any act of omission or commission on the part of these 6 appellants, i.e. 4 to 9 which amounts to an offence under Sections 498A or 323 of I.P.C. Except for making vague allegation that all the family members ill treated her, no specific allegations are made with regard to applicant Nos.4 to 9.

That being so, keeping in view the law as laid down by the Hon'ble Supreme Court in the case of Ganga Singh v. State of M.P., (2013) 7 SCC 278, as far as the applicant Nos.4 to 9 are concerned, there being no specific allegations against them, their



applications are liable to be allowed. As far as applicant Nos.1 to 3 are concerned, there being specific allegations against them in the body of the complaint and in the statement of the complainant recorded on 17.2.2014, it is not appropriate to interfere into the matter exercising my inherent extraordinary jurisdiction under Section 482 of Cr.P.C. Applicant Nos.1 to 3 would have liberty to raise all objections before the trial court and seek their discharge.

Accordingly, the application is allowed in part. As far as the prayer made by applicant Nos.4 to 9 is concerned, the same is allowed. The case instituted against them stands quashed. They are discharged.

With liberty granted to applicant Nos.1 to 3 to raise all objections before the trial court and seek their discharge, the application is disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.04.2018
Transmission Date	

