

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37701 of 2017

Arising Out of PS.Case No. -9 Year- 2014 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

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1. Md. Naushad son of Md. Firoz,
2. Md. Irshad son of Md. Firoz,
3. Md. Altaf son of Md. Firoz,
4. Taiymun Nisha @ Taimun Nisha wife of Md. Firoz
All residents of Mohalla- Macchali Gali, Raza Bazar, Opposite Ashoka
Tower, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Zeenat Parveen wife of Md. Naushad, daughter of Imamul Haque, resident of
Mohalla- Macchali Gali, Raza Bazar, Opposite Ashoka Tower, P.S.- Shastri Nagar,
District- Patna at present resident of Mohalla- Sanchi Patti, Bagmali, Ashiyana
Colony, P.S.- Town Hajipur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shahabuddin Azeem, Advocate
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 17-01-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioners for quashing of Charge-sheet No.55 of 2014 dated 31.10.2014 arising out of First Information Report of Vaishali Mahila P.S. Case No.09 of 2014 registered under Sections 323, 379, 406, 498A and 506 of the Indian Penal Code (for short 'the I.P.C.') as well as Sections 3 and 4 of the Dowry Prohibition Act (for short 'the D.P.Act').

2. The petitioners have been made accused in Vaishali Mahila P.S. Case No.09 of 2014. The said case was investigated upon. On the basis of the statement of the witnesses recorded under Section



161(3) of the Cr.P.C. and other materials collected during investigation, the police found the case true under Sections 323, 379 and 498A of the I.P.C. and Sections 3 and 4 of the D.P.Act against the petitioners vide Charge-sheet No.55 of 2014 dated 31.10.2014. After receipt of the police report, the learned Magistrate took cognizance of the offences and after about four years since the submission of the charge-sheet this application has been filed by the petitioners seeking quashing of the charge-sheet without disclosing the present stage of the case.

3. In the opinion of this Court, this application seeking quashing of the charge-sheet is thoroughly misconceived and amounts to abuse of process of the court as the petitioners had earlier approached this Court for quashing of the FIR, which was withdrawn vide order dated 20.06.2017 passed in Cr. Misc. No.50907 of 2016, noticing the fact that cognizance had already been taken by the court below.

4. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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