

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2488 of 2016

Arising Out of PS.Case No. -883 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Md. Rayaz @ Md. Rayaz Alam, son of late Md. Moinuddin,
 2. Jubaida Khatoon, wife of late Md. Moinuddin,
 3. Md. Jamaluddin @ Jamal, son of Md. Mokin,
 4. Md. Imteyaz Ahmad @ Imteyez Alam @ Md. Imteyaz, son of late Md. Moinuddin,
 5. Mod. Habib Hussain, son of late Ramjan Ali,
 6. Md. Meraj Alam, son of late Md. Moinuddin, all residents of Mohalla – 8/Mayaganj, P.O.- Barari, P.S.- Mayaganj, District-Bhagalpur
- Petitioner/s

Versus

1. State of Bihar &
 2. Md. Jalaluddin, son of Md. Khaliluddin, resident of Mohalla – Bari Sangat, Jehanabad, P.S. and District – Jehanabad.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the State : Mr. Shyam Bihari Singh, APP
For the Opposite Party No.2 : Mr. Indu Shekhar Dwivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.05.2013 passed by the Judicial Magistrate, 1st class, Jehanabad in Complaint Case No.883 of 2012 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 341 & 504/34 of Indian Penal Code.

Counsel for the petitioners submits that, in fact, no



marriage has taken place. Instant case has been filed only as counter blast since the petitioner No.1 refused to perform marriage with the daughter of the complainant. The complainant showed another girl to the petitioners and, therefore, petitioner No.1 was ready for marriage. But, later on, petitioner No.1 learnt about the correct facts and thereafter he refused to perform marriage after performing *Chheka*.

Counsel for the Opposite Party No.2 has submitted that by such act of the petitioners insult has been caused to the Complainant.

It is alleged that marriage of daughter of the complainant was fixed on 17.06.2012. The *Chheka* was performed on 01.07.2012. Date of marriage was fixed but the marriage was not performed as accused persons made demand of dowry of Rs.5,00,000/-.

From the impugned order, it appears that the Court below has taken cognizance against the petitioners for offence under Section(s) 341 and 504/34 of Indian Penal Code.

Copy of Solemn Affirmation of the Complainant and statement of three witnesses have been enclosed with the petition from which it appears that mere general and vague allegation has been levelled against the petitioners.

This Court on the basis of allegation in the Complaint



Petition, solemn affirmation of the Complainant as well as statement of three witnesses does not find any ingredient of Section 341, 504 Indian Penal Code.

In view of such, impugned order dated 16.05.2013 passed by the Judicial Magistrate, 1st class, Jehanabad in Complaint Case No.883 of 2012 along with entire criminal proceeding against the petitioners is hereby quashed.

This application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	18-09-2018
Transmission Date	18-09-2018

