

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3828 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -MAHILA PS District- GOPALGANJ

=====

1. Najrun @ Najrul Khatoon Wife of Md. Aftab Alam @ Md. Aftab
2. Md. Farouque Son of Mustafa Ali @ Mustafa Both are resident of village
- Rasulpur, Police Station - Mirganj (Hathua), District - Gopalganj
..... Petitioner/s

Versus

1. The State of Bihar
2. Reshma Khatoon Wife of Md. Aftab Alam @ Md. Aftab resident of
village - Rasulpur, Police Station - Mirganj (Hathua), District - Gopalganj
..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Ahtash Ali Khan (App)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-09-2018 It is submitted that in spite of issuance of notice on

O.P. No. 2, nobody appeared on her behalf.

The petitioners seek quashing of order dated
24.11.2015 passed by the learned S.D.J.M., Gopalganj in G.R. No.
2608/2014, arising out of Gopalganj Mahila P.S. Case No. 42 of
2014, whereby the court below has found *prima facie* case for
offences under Sections 498(A) and 420/34 of the Indian Penal Code
against petitioners.

Learned counsel for the petitioners has submitted that
no offence under Section 498(A) of the Indian Penal Code is made
out against these petitioners.

This Court after looking into impugned order finds
that learned Magistrate after looking into material available on



record along with charge-sheet submitted by police took cognizance against these petitioners.

Learned counsel for the petitioners has submitted that there is no allegation of specific overt act against these petitioners.

It is alleged in the written report that the informant after death of her husband performed marriage with accused Md. Aftab. The husband of informant went to foreign country leaving her in his house where petitioners came and forcibly evicted her from the house on the ground that petitioner no. 1 is first wife of her husband (Md. Aftab). Both petitioners committed *marpit* and forcibly ousted the informant from house. It is further alleged that on 23.07.2014, both the petitioners confined the informant in a room but she was released from there with the help of police.

In view of such, this court does not find any illegality in the impugned order. Accordingly, this quashing petition is dismissed.

The petitioners are given liberty to raise all the points as raised in this petition at appropriate stage of trial including at the time of framing of charge, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

Rakhi

U		T	
---	--	---	--

