

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4974 of 2016**

Arising Out of PS.Case No. -30 Year- 2012 Thana -GORAUL District- VAISHALI(HAJIPUR)

- =====
1. Ashraf @ Md. Ashraf, son of Md. Yusuf
  2. Md. Akbar, son of Md. Yusuf,
  3. Md. Yusuf @ Isuf, son of late Chulhai Miyan, above all are resident of Village- Padmaul, Tisiauta, District- Vaishali
  4. Md. Jamil son of Md. Jeyauddin,
  5. Aasama Khatoon wife of Md. Jamil, above both are resident of village- Chhoti Piiroi, P.S.- Mahua, District- Vaishali.
  6. Aashiya Khatoon wife of Md. Jumman,
  7. Md. Jumman son of Md. Sakur, above both are resident of village- Mal Mathana, P.S.- Goroul Kathara O.P., District- Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar. null null
2. Hasina Khatoon, w/o Md. Ashraf, resident of Village- Padmaul, P.S.- Tisiauta, District- Vaishali, present address- daughter of Md. Ismail Marhum, resident of Village Cheharakala, P.S.- Goroul, Kathara O.P. District- Vaishali.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Upendra Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5      17-09-2018                      Heard the learned counsel for the petitioners and the State.

The present petition has been filed for quashing of order dated 15.05.2015 passed by learned S.D.J.M., Vaishali in Trial No. 6234/2015, arising out of Goroul P.S. Case No. 30/2012, whereby the court below has found *prima facie* case for offence under Section 498A/34 of the Indian Penal Code against petitioners.



Learned counsel for petitioners has submitted that the complainant/O.P. No. 2 has died.

A report was called for from the concerned S.P., which has been received on 24.03.2017 stating therein that complainant Hasina Khatoon has died on 27.07.2014.

In view of such, the criminal miscellaneous is disposed of with direction to the petitioner to file necessary petition along with valid proof of death in the court below informing that the complainant is dead. The court below will pass appropriate order on such petition in accordance with law.

**(Sanjay Priya, J.)**

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