

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.13059 of 2015**

Arising Out of PS.Case No. -2727 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Md. Naushad Alam Son of Late Md. Harish Resident of Village – Rajokhar, P.S.  
Raniganj (Araria R.S.) District - Araria

.... .... Petitioner

Versus

1. The State of Bihar.
2. Bibi Ahsaina Daughter of Abdur Rauf, Wife of Md. Naushad Alam, Resident  
of Village - Rajokhar, P.S. Raniganj (Araria R.S. O.P. ) District - Araria

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Manish Kumar, Advocate  
For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 09-01-2018**

Heard learned counsel for the petitioner and the learned  
APP for the State.

2. The petitioner seeks quashing of the order of  
cognizance dated 10.02.2015, passed by Judicial Magistrate, 1<sup>st</sup> Class,  
Araria in Complaint Case No.2727C of 2014 thereby taking  
cognizance of the offence under Sections 498A, 323, 341 and 504/34  
of the Indian Penal Code.

3. The brief fact giving rise to the case is that the  
marriage of the complainant was solemnized twenty years back and  
out of the wedlock seven issues were born, three sons and four  
daughters. The brother of the complainant Md. Nasim started doing  
service in Saudi Arabia, so her husband started pressurizing her to  
make demand of Rs.5,00,000/- three times for doing business and also



demanded a motorcycle but her husband sold the motorcycle and again made demand of Rs.5,00,000/- and a car however complainant expressed inability to meet further demand from her brother then he abused, assaulted and kicked the complainant along with all her children.

4. Learned counsel for the petitioner submits that only at the instance of the brother, the complainant has falsely implicated the petitioner in this case, so there is no question of demand of dowry after twenty years of marriage.

5. Learned APP for the State submits that when complainant's brother got employed in Saudi Arabia then the petitioner started making demand of money, three times money was paid to the tune of Rs.5,00,000/- but again the petitioner made demand of Rs.5,00,000/-, the complainant refused to make demand for the money then she was assaulted and kicked out from the matrimonial home along with all the children.

6. Having considered the rival submissions and on perusal of the records, the Court finds that the petitioner is the husband having specific allegation against him that he always used to pressurize his wife to make demand of money from her brother employed in Saudi Arabia. Sometimes the brother of the complainant gave the money but it could not satisfy lust of petitioner so again reiterated the demand,



when complainant refused to ask for money from her brother then she was assaulted along with the children and kicked out from matrimonial home, so the allegations in the complaint do disclose the offence in which cognizance has been taken, hence the quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

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