

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8316 of 2015

Arising Out of P.S. Case No.-93 Year-2011 Thana- HATHUA District- Gopalganj

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1. Ashiya Khatoon, W/o - Mohammad Taslim Khan.
 2. Mohammad Taslim Khan S/o- Ebadat Khan.
 3. Afarin Khatoon D/o - Mohammad Taslim Khan.
 4. Ruby Khatoon D/o - Mohammad Taslim Khan.
 5. Afroj Khan S/o-Mohammad Taslim Khan.
- All are R/o- Chhotaki Bagahin, P.S. - Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahin Praveen, D/o-Mohammad Yakub Khan, R/o-Lakari Dargah Tola Gulam Gaus, P.S.- Barhariya, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-04-2019

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

2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That, this is an application for quashing the order taking cognizance dated 25-01-2014 passed by the learned court of SDJM, Gopalganj against the petitioners who are the in-laws and the parents of the husband of the informant in connection with Tr. No.-5044 / 2014 arising out of hathua P. S. case No.- 93/2011 lodged for the alleged offences u/s 498(A), 406, 495 /34 of the IPC and the cognizance has also been taken u/s 498(A), 406, 495 /34 of the IPC by the learned court of



SDJM, Gopalganj, The case is presently pending in the court of learned SDJM, Gopalganj.”

3. The allegation against the petitioners, who are the family members of the husband of the opposite party no. 2 is of torture, demand of dowry and also assault.

4. Learned counsel for the petitioners submitted that the allegations are general and omnibus in nature and that two petitioners are the married sisters of the husband of the opposite party no. 2 whereas one is the brother of the husband of the opposite party no. 2 and all are living separately. It was further submitted that the petitioners no. 1 and 2 are old parents-in law of the opposite party no. 2 and they have no role in the matrimonial discord.

5. Learned APP submitted that from the entire reading of the complaint, it is very obvious that the allegations are neither unbelievable nor cosmetic additions. It was submitted that even with regard to the demand of dowry and taking of cash, from the amounts mentioned, it *prima facie* shows that there is no exaggeration. Learned counsel submitted that at the relevant time, in terms of the allegations, it is obvious that the sisters were not married and living in the matrimonial home and in the context of today's society, it is but natural that they would interfere and taunt the opposite party no. 2, with regard to non fulfillment of demand



of dowry. It was further submitted that even with regard to parents of the husband of the opposite party no. 2, they being the senior most members and guardians of the family, the responsibility was primarily on them to ensure well being of the opposite party no. 2, who was married to their son and the son living abroad for years and not coming to the native place. It was submitted that the fact that the opposite party no. 2 had to go and live with her parents itself shows the conduct and lack of *bona fide* on the part of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contentions of learned APP.

7. In view thereof, the Court does not find any merit in the present application and, accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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