

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9478 of 2015**

Arising Out of PS. Case No.-2622 Year-2010 Thana- GOPALGANJ COMPLAINT CASE  
District- Gopalganj

- 
1. Afsana Khatoon, W/o Makbul Ali village – Bathua, P. O. Dharam Parsa, P.S. Manjha Garh, District - Gopalganj
  2. Shakina Khatoon @ Sakina Khatoon, W/o Mansoor Alam village - Bathua, P.O. Dharam Parsa, P.S. Manjha Garh, District - Gopalganj

... .. Petitioners

Versus

1. The State Of Bihar
2. Jahaara Khatoon @ Farjana, D/o Vakil Ahmad, at present Kabilashpur, P.S. Thawe, District Gopalganj

... .. Opposite Parties

---

**Appearance :**

|                         |   |                                  |
|-------------------------|---|----------------------------------|
| For the Petitioners     | : | Mr. Sushil Kumar, Advocate       |
| For the State           | : | APP                              |
| For Opposite Party No.2 | : | Mr. Yogendra Pd. Sinha, Advocate |

---

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL JUDGMENT**

**Date : 18-06-2019**

Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the opposite party no. 2.

2. The present application has been filed for quashing the order dated 17.01.2012 passed by the learned Sub-Divisional Judicial Magistrate, Gopalganj in Complaint Case No. 2622 of 2010 by which the learned Magistrate took cognizance for the offence under Sections 498(A) and 406 of the Indian Penal Code against all the accused persons including the petitioners.

3. Learned counsel for the petitioners submits that the petitioners are the elder *Gotinis* of the complainant. It is submitted that the accusations are general and omnibus in nature and in any event, ingredients of Section 498(A) of the IPC are not made out



against the petitioners. Moreover, the complainant had been married about seven years ago and had given birth to three daughters and a son before filing of the present complaint. The proceedings against the father-in-law of the complainant, namely, Md. Kashim had already been quashed by this Court vide judgment dated 09.05.2016 passed in Cr. Misc. No. 17185 of 2013.

4. Learned counsel for the complainant appears and submits that the petitioners are said to have tortured the complainant when she was pregnant for about 6-7 months.

5. Be that as it may, and considering the period of marriage of the informant and omnibus nature of allegations against the petitioners as well as the fact that the proceedings against the complainant's father-in-law had been quashed, this Court is of the view that continuance of the criminal proceedings against the petitioners would be an abuse of process of the Court and the impugned order dated 17.01.2012 passed by the learned Sub-Divisional Judicial Magistrate, Gopalganj in Complaint Case No. 2622 of 2010 is quashed.

6. This application stands allowed.

**(Vikash Jain, J)**

BT/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 01.07.2019 |
| Transmission Date | N.A.       |

