

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19717 of 2015

Arising Out of PS. Case No.-731 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Md. Haroon, Son of Late Sk. Taiyab
 2. Nehal Ahmad
 3. Md. Wasim
 4. Azahar Alam @ Md. Azahar, All three sons of Md. Haroon
 5. Rukshana Khatoon, wife of Md. Haroon
 6. Kafeya Khatoon, wife of Nehal Ahmad
 7. Anwari Khatoon, wife of Neyaz Ahmad, All are resident of Village-
Siswaniya Jaitapur, P.S.- Ramgarhwa, District- East Champaran.
 8. Zareena Khatoon, Daughter of Md. Haroon, wife of Md. Sahnawaz, at
Present residing of Village-Rakhai, P.S.- Sikarpur, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shahnaj Khatoon, Daughter of Md. Imran, resident of Village - Lalu Nagar,
East Kargahiya, P.S.- Bettiah (Muffasil), District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party No. 2 : Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 20-06-2019 Heard the counsel for the parties.

2. The petitioners seek quashing of the order dated
21.10.2014 passed by the learned Sub-Divisional Judicial
Magistrate, Bettiah, West Champaran in Trial No. 1981 of
2014, arising out of Complaint Case No. 731C of 2014,



whereby cognizance has been taken under Section 498A of the Indian Penal Code.

3. The petitioner Nos. 1 and 5 are the parents-in-law of the complainant/opposite party No. 2, whereas the petitioner Nos. 2, 3 and 4 are the brothers-in-laws and the petitioner Nos. 6 and 8 are the sisters-in-law respectively of the husband of the complainant/opposite party No. 2. The petitioner No. 7 is stated to be the second wife of the husband of the complainant/opposite party No. 2.

4. Mr. Bimlesh Kumar Pandey, the learned Advocate for the petitioners, after some arguments, seeks permission to withdraw this petition with respect to applicant/petitioner No. 7, viz., Anwari Khatoon, who is the second wife of the husband of the complainant/opposite party No. 2.

5. Permission is accorded.

6. The petition with respect to petitioner No. 7 stands dismissed as withdrawn.

7. It has been submitted on behalf of the petitioners that from the complaint petition as also the



solemn affirmation of the complainant/opposite party No. 2, nothing specific has been averred against petitioner Nos. 1 to 6 and 8. It has further been submitted that after the lodging of the case, the complainant/opposite party No. 2 started living with her husband.

8. However, the learned counsel appearing for the complainant/opposite party No. 2 has informed this Court that there was a brief rapprochement between the spouses, but because of bad behaviour of the husband of the complainant/opposite party No. 2, the relationship again got strained.

9. Be that as it may, from the perusal of the complainant petition as also from the solemn affirmation of the complainant/opposite party No. 2, no material appear to have been brought on record for justifying the order of cognizance against petitioner Nos. 1 to 6 and 8. The husband of the complainant/opposite party No. 2 stays separately and has a completing independent. Only because the spouses could not get along well, the other family members of the husband ought not to be subjected to such



criminal prosecution.

10. This Court has consciously not acceded to the request of the learned counsel for the petitioners to allow the case of petitioner No. 7 for the reason that it is because of her presence in the house that the relationship of the complainant/opposite party No. 2 with her husband has not normalized as yet.

11. Considering the aforementioned aspects of the matter, this Court considers that the prosecution of petitioner Nos. 1 to 6 and 8 is futile and the accusation has only been made because of the relationship of the spouses having been strained over a passage of time.

12. Considering the aforesaid facts, the order of cognizance as against petitioner Nos. 1 to 6 and 8 is set-aside.

13. The application with respect to them stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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