

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25927 of 2015

Arising Out of PS. Case No.-4 Year-2014 Thana- HAYAGHAT District- Darbhanga

1. Samina Khatoon W/O Late Noorum Nabi, Resident of Rahua Rampur, P.S.- Warisnagar, District-Samastipur, presently at R/O 129 A, R-Extension Mohan Garden, Uttam Nagar, New Delhi-110059.
2. Nasiruddin, Son of Md. Sattar, Resident of Jitwarpur, P.S. Chauth, District-Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rizwan Khatoon, W/O Md. Iqbal Nasir, D/O Md. Rehmatullah, Resident of Rasulpur Bhoya, P.S. Hayaghat, District- Darbhanga, presently at Rizwana Khatoon, W/O Md. Iqbal Nasir, D/O Md. Rehmatullah, R/O N.K. Darranga, P.O. Darranga Mela, District- Welbani, Assam-781360.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Das, Advocate
For the State	:	Mr.Rita Verma A.P.P
For Opposite Party No.2	:	Mr.Chandra Kav, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the parties.

2. This application has been preferred, under Section 482 of the Code of Criminal Procedure, for quashing the order of cognizance dated 02.12.2014, passed by the learned Judicial Magistrate-1st Class, Darbhanga in connection with Hayaghat Police Station Case No.04 of 2014.

3. Petitioner No.1, *Samina Khatoon* is mother-in-law of the informant and petitioner No.2, *Nasiruddin* is uncle of the husband of the informant. They are accused in connection with



Hayaghat Police Station Case No.04 of 2014, wherein cognizance has been taken against the petitioners and others for the offences under Sections 341, 323, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, vide impugned order dated 02.12.2014.

4. Submission of learned counsel for the petitioners is that the allegation against the petitioners is general and omnibus rather vague one and since the recent past tendency is growing that whenever matrimonial dispute arises, the family members are roped in the criminal case. The petitioners are victim of false implication.

5. According to First Information Report, after marriage the informant went to Delhi along with her husband where the husband, mother-in-law i.e. petitioner No.1 and others started demanding dowry. Petitioner No.2, *Nasiruddin* and his wife whenever went to Delhi used to instigate others to demand dowry. When the demand was not fulfilled, petitioner No.2 and his wife planned to get the husband married with a girl in their relation. The aforesaid allegation has been supported by the parents of the informant and other witnesses before the Police and after investigation the Police submitted charge sheet.



6. No doubt in some cases the family members are unnecessarily roped in a criminal proceeding, especially in a case of matrimonial dispute. However, when the allegation is specific against the petitioners, this Court cannot disbelieve the allegation and the statement of the witnesses at this stage to quash the criminal proceeding. Hence, the impugned order requires no interference. Accordingly, this application stands *dismissed* as devoid of any merit.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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