

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1492 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. MD. IKRAM @ SIKANDAR Son of Late Gulam Haider Resident of Mohalla- K. Hat, P.S.- Sahayak K Hat, Distt - Purnea.
2. Md. Iqbal @ Babloo Son of Late Gulam Haider Resident of Mohalla- K. Hat, P.S.- Sahayak K Hat, Distt - Purnea.
3. Kamrun Nisha Son of Late Gulam Haider Resident of Mohalla- K. Hat, P.S.- Sahayak K Hat, Distt - Purnea.
4. Musrat Bano @ Nikki Wife of Md Anwar Resident of Mohalla- K. Hat, P.S.- Sahayak K Hat, Distt - Purnea.
5. Kahkashan Kausar @ Sonam D/o Md. Fazali Karin Resident of Mohalla- K. Hat, P.S.- Sahayak K Hat, Distt - Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT. OF BIHAR, PATNA BIHAR
2. Superintendent of Police, Purnea ,Bihar
3. Deputy Superintendent of Police, Purnea Bihar
4. Officer in Charge, K. Hat (Sahayak), Purnea. Bihar
5. Tarannum Akhatar @ Soni D/o Shafi Akhatar Wife of Md Ikram @ Sikandar Resident of Village - Maulabi Tola, Madhubani, P.S.- K. Hat (Madhubani), Distt - Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Prabhat Kumar Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-11-2019

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

2. The present writ petition has been filed for "*quashing of
the FIR bearing K.Hat (Sahayak) P.S. Case No. 248 of 2019
registered under Sections 341, 323, 379, 354, 498(A), 34 of the*



Indian Penal Code on the ground that no offence as alleged in the FIR has committed by the petitioners and the same has been filed by the informant without discloses the real facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that for the very same occurrence and offences alleged, Complaint Case No. 2234 of 2017 had been filed by the informant before the learned Chief Judicial Magistrate, Purnea (Annexure-2). However, such fact has been suppressed by the informant while lodging the FIR in the present case. It is therefore, submitted that the FIR is vexatious and has been filed merely to harass the petitioner who is already facing trial in the complaint case aforesaid.

4. Learned counsel for the State resists the petition, submitting that the allegations disclosed in the earlier complaint case and those in the present FIR are quite distinct and independent. Complaint Case No. 2234 of 2017 related to the offences committed between 21.09.2017 to 21.11.2017 and again on 25.11.2017 upto 01.12.2017. The accusations comprised of demand for dowry and torture leading to the informant being ousted from her matrimonial home on 21.11.2017 and continuing demands thereafter. On the other hand, the present FIR has been filed alleging several offences committed thereafter in the year 2019 after the informant was brought back to her matrimonial home upon assurance given by her husband before



the learned Family Court that she would be kept with due dignity and honour. It has been alleged that once again demand for dowry and torture began with an attempt made to administer medicine for abortion when she became pregnant. It has also been alleged that her jewelry has been taken away by the accused persons.

5. Having heard the parties and on consideration of the materials on record, this Court is of the view that the allegations contained in the complaint petition and the present FIR are quite distinct and cannot be said to relate to the same occurrence. A perusal of the averments in the FIR *prima facie* discloses commission of the offences alleged and as such the matter is required to be investigated by the police. The submission of the petitioners are in the nature of defence which cannot be considered at this stage. This Court is of the view that no case has been made out for quashing the FIR.

6. The writ petition stands dismissed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
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