

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5411 of 2023

Arising Out of PS. Case No.-24 Year-2021 Thana- MAHILA P.S. District- Vaishali

ASIF IQBAL S/o Late Md. Islam, R/o Village- Saidpur Satanpur, P.S.-
Ujairpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SULTANA PRAVEEN W/o Syed Imran Ahmad, D/o Asghar Ali, R/o
Village- Chakchameli, P.S.- Hajipur Sadar, Distt- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2023 This application has been filed for quashing the order dated 04.11.2022 passed in Mahila P.S. Case No. 24/2021, CIS G.R. No. 1225/2022, Tr. No. 3467/2022 by Smt. Ankita Jaiswal, learned Sub-Divisional Judicial Magistrate, Hajipur, Vaishali, whereby she has taken cognizance against the accused persons under Sections 341, 323, 406, 420, 498(A), 313, 307 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

2. The learned counsel for the informant has submitted that the marriage of the informant was solemnized with co-accused Syed Imran Ahmad on 22.03.2020 and the dower as Rs. 51,000/- was fixed. The customary presents were given by the parents of the informant to the husband and his



family members, but they were adamant on dowry demand of Rs.2,50,000/- and also a bullet motor cycle. Having no option, the informant's father gave Rs.1,80,000/- to the accused persons, who falsely apprised the victim that her husband Syed Imran Ahmad was an engineer, but his certificate was a forged certificate. There is also allegation on the accused persons that they terminated the premature pregnancy of the victim.

3. The learned counsel for the petitioner has submitted that the petitioner is brother-in-law (*Bahnoi*) of the husband of the victim, having no concern with day-to-day affairs of the couple. The entire family members of the husband of the victim, including this innocent relative (petitioner) have falsely been implicated in this case. The learned court below had committed illegality in taking cognizance against this petitioner amongst the other accused persons. He has submitted further that it is nothing but an abuse of the process of the Court.

4. On the other hand, the learned counsel for the informant has submitted that all the accused persons, including the petitioner, badly assaulted the victim and they were involved in termination of premature pregnancy of the victim, as such, the learned Magistrate has rightly taken cognizance against them.



5. The petitioner is brother-in-law of the husband of the victim lady. He is supposed to have nothing to do with day-to-day affairs of the couple. The cognizance taken by the learned court below against the petitioner is not sustainable in the eyes of law. As such, the order of cognizance dated 04.11.2022 passed in Mahila P.S. Case No. 24/2021, CIS G.R. No. 1225/2022, Tr. No. 3467/2022, **only with respect to the petitioner** is quashed.

6. Accordingly, this petition is allowed.

(Nawneet Kumar Pandey, J)

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