

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10583 of 2012

Arising Out of PS. Case No.-17 Year-2011 Thana- MAJHAULIA District- West Champaran

1. MD. SHAKIR and ORS. S/O Late Shahid Mian Resident Of Village- Parsa Dumaria, P.S.- Manjhaulia, District- West Champaran At Present Resident Of Mohalla- R-123,C Gali No.-7 Joga Bai Extension, New Delhi-110025
2. Kaima Khatoon W/O Md. Shakir Resident Of Village- Parsa Dumaria, P.S.- Manjhaulia, District- West Champaran At Present Resident Of Mohalla- R-123,C Gali No.-7 Joga Bai Extension, New Delhi-110025
3. Md. Javed S/O Md. Shakir Resident Of Village- Parsa Dumaria, P.S.- Manjhaulia, District- West Champaran At Present Resident Of Mohalla- R-123,C Gali No.-7 Joga Bai Extension, New Delhi-110025
4. Aurangzeb S/O Md. Shakir Resident Of Village- Parsa Dumaria, P.S.- Manjhaulia, District- West Champaran At Present Resident Of Mohalla- R-123,C Gali No.-7 Joga Bai Extension, New Delhi-110025

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rakaiya Khatoon W/O Jamshed Alam, D/O Hakim Anwar Resident Of Village- Parsa Dumaria, P.S.- Manjhaulia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 14-02-2023

Heard learned counsel for the parties.

This application has been filed on behalf of the petitioners for quashing the cognizance order dated 13.12.2011 passed by the learned CJM, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 17 of 2011 by which cognizance has been taken against the petitioner for the offence under Section 498A, 341 and 323 read with 34 of the IPC and ³/₄



of the Dowry Prohibition Act.

Petitioners are the father, mother and the dewars
and the husband of the opposite party no. 2.

There is general and omnibus allegation against
them all except petitioner No. 1.

The petitioners have also relied upon the judgment
of Hon'ble Supreme Court in the case of ***Kahkashan Kausar
and Ors Vs State of Bihar and Ors*** reported in ***AIR 2022 SC
820***.

Considering the submission of learned counsel for
the petitioners and the law laid down by the Hon'ble Supreme
Court in the case of ***Kahkashan Kausar and Ors (supra)***, this
application is allowed.

The cognizance order dated 13.12.2011 passed by
the learned CJM, Bettiah, West Champaran in connection with
Majhaulia P.S. Case No. 17 of 2011 by which cognizance has
been taken against the petitioner No. 2 to 4 (Kaima Khatoon,
Me. Javed and Aurangzeb) is hereby quashed.

(Sandeep Kumar, J)

Shishir/Vikas

U		T	
---	--	---	--

