

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18982 of 2016**

Arising Out of PS. Case No.-2328 Year-2011 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

1. Talat Bano wife of Md Sayeduzzaman
2. Sayeduzzaman @ Md Sayeduzzaman Son of Late Qumruzzaman Both resident of Mohalla- Darzi Tola, Chandwara, Thana Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jaha Arah @ Mumtaaz, wife of Iqbaluzzaman, Daughter of Late Sayeed Abul Hasan, Resident of Mohalla- Agarwa, Town Thana, District- East Champaran (Motihari) presently residing at Darzi Tola, Chandwara Town Thana, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rashid Izhar, Advocate
For the Opposite Party/s : Mr Bharat Bhushan, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 13-09-2023

Heard Mr Rashid Izhar, learned counsel for the petitioners and Mr Bharat Bhushan, learned APP.

2 Prayer is for the following reliefs:

“That this is an application under the inherent jurisdiction of the Hon’ble High Court is for quashing of order dated 20.04.2012 passed by SDJM Sadar, Motihari passed in Complaint Case No 2328 of 2011/Tr No 3469 of 2012 whereby cognizance under Sections 498A and 379 of the Indian Penal Code is taken against the petitioners who are relatives of the husband of the complainant and falsely made an accused when the husband has filed Matrimonial Suit for



restitution of conjugal right and on notice the present complaint case has been filed.”

3 Opposite Party No 2-complainant, married to petitioners' son in the year 2006, alleged that at her in-laws' house, she was tortured for the salary of her mother who is/was serving as a Nurse at Muzaffarpur. The further allegation is that her husband used to assault her in an inebriated state. The further allegation is that her mother, once withdrew her GPF, paid Rs 60,000/- for the safety of the complainant but the torture continued. Her mother also gave 25 decimals of land in the name of the father-in-law (petitioner No 2) and ultimately, she was driven out of the house which led to the filing of the complaint.

4 It is the case of the petitioners that they are aged father-in-law and mother-in-law, nothing to do with the acrimony between the couple, have already suffered, the complaint being of 2012 and there is no material on record as from the story itself, allegation is that the husband of the complainant used to assault her in an inebriated state and further demanded and got Rs 60,000/- from the complainant's mother.

5 To a query on the complaint regarding alienation of land by the lady in favour of petitioner No 2, the learned counsel for the petitioners submits that the same is a fact. There was a marriage of the complainant's sister and the complainant's mother



herself wanted to transfer the land in the name of petitioner No 2 though according to the case, it was in lieu of amount that was given to the complainant so that she could get her younger sister married.

6 Learned APP opposes the prayer stating that from the fact itself, it is clear that so far as petitioner No 2 is concerned, he got the land of the lady's family transferred in his name and, as such, so far as the allegation part is concerned, for the purpose of quashing, the case against him cannot be called untrue so that the same can be interfered with.

7 Having gone through the facts of the case, the materials on record, the submission put forward by Mr Rashid Izhar, learned counsel for the petitioners as also Mr Bharat Bhushan, learned APP, so far as petitioner No 1, namely, Talat Bano is concerned, in view of the fact that nothing has been alleged against her in the complaint, she is the mother-in-law and aged person, this Court deems it fit and proper that the case against her needs interference.

8 Accordingly, so far as the criminal proceeding relating to petitioner No 1 Talat Bano is concerned, the same is quashed.

9 In view of the fact that in the second part of the complaint, the allegation is there against petitioner No 2 of having



got the land transferred in his name, it would be appropriate that he faces trial.

10 The petition, so far as petitioner No 2 Sayeduzzaman @ Md Sayeduzzaman is concerned, the same is dismissed.,

11 The petition, accordingly, stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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