

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12497 of 2022

Arising Out of PS. Case No.-307 Year-2019 Thana- SHERGHATI District- Gaya

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1. Farha Naaz @ Ferha Naj D/O Md. Mustaque R/O Village- Rahman Nagar, P.S.- Sheghati, District- Gaya
 2. Babli Khatoon @ Rizwana Khatoon Bably @ Rizwana W/O Iqbal Ahamd R/O Mohalla- Raghubir Nagar, B- 2, P.S.- Raghubir Nagar, New Delhi
 3. Iqbal Ahmad @ Md. Iqbal S/o Md. Jamil Ahmad R/o Mohalla- Raghubir Nagar B- 2, P.S.- Raghubir Nagar, New Delhi

... .. Petitioners

Versus

1. The State of Bihar
2. Nazia Parveen W/o Syed Md. Isteqhar Alam Rizvi R/o Mohalla- Shumali, P.S.- Sheghati, District- Gaya

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Md. Ataul Haque, Advocate
For the O.P.No.2		Mr. Md. J.Jafar Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 12-02-2024 This petition has been filed for quashing order dated 24.3.2021 by which the court below has taken cognizance of the offence under sections 341, 323, 406, 420, 494, 498A, 504, 506/34 of the IPC against the petitioners in Sherghati Police Station Case No. 307 of 2019 dated 6.7.2019.

2. Prosecution case in brief is that one Nazia Parveen has lodged an F.I.R. and alleged therein that she was married with Md. Istekhar Alam @ Rizavi on 21.04.2018 according to Muslim rites and custom. At the time of marriage, husband of the informant written a bond of Rs. 1000/- to the effect that he was not married but later on the informant came to know that he



was married and having two children. After marriage, when she started living with her husband, the other accused persons demanded Rs.2 lacs and on non-fulfilling the demand, all the accused persons tortured the informant. She informed her brothers about the entire incidence and brothers came and tried to pacify the matter but all in vain. Then she went to her Naihar where she has is still living.

3. Petitioner no.1 is unmarried sister-in-law (nanad), petitioner no.2 is married sister-in-law (nanad) and petitioner no.3 is brother-in-law (nandoi) of opposite party no.2. Learned counsel for the petitioners submits that the occurrence as alleged in the FIR has never taken place and the entire prosecution story is imaginary, false and fabricated. Besides, allegation of torture and harassment for fulfilment of dowry, is general and omnibus against these petitioners and no specific overt act has been alleged against them. He submits that continuance of criminal proceeding is abuse of process of the Court.

4. Learned counsel for the State as well as opposite party no.2 oppose the prayer of the petitioners for quashing the cognizance order. He submits that the allegations made in the FIR clearly constitute offences against these petitioners punishable under the aforesaid sections of the Penal Code.



Learned counsel for opposite party no.2 submits that there is specific and direct allegation against these petitioners that they along with other family members demanded dowry and subjected opposite party no.2 to cruelty and harassment for non-fulfilment of dowry.

5. Heard learned counsel for the parties and perused the materials available on the records.

6. In the present case, there is specific allegation of torture and harassment for fulfilment of dowry against these petitioners. Grounds taken by the petitioners are in the realm of probable defence of the petitioners, which cannot be seen at this stage. Plea of petitioners can be examined only during trial on the basis of evidence adduced on behalf of parties.

7. In the facts and circumstances of the case discussed above, this Court finds that order taking cognizance does not suffers from any illegality and impropriety. As such, instant petition, seeking quashing of the cognizance order dated 24.3.2021, is hereby dismissed being devoid of merit.

Shashi

(Prabhat Kumar Singh, J)

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