

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26224 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- YADOPUR District- Gopalganj

1. NOORJAHAN KHATOON @ NOORJAHAN W/O LATE MUKHTAAR MIYAN Resident of Village- Jadopur, Balua Tola, P.S.- Jadopur, District- Gopalganj.
2. AJMERI KHATOON @ SONI KHATOON W/O NIYAMAT ANSARI Resident of Village- Jha Colony, Pantnagar, Police Station, District- Udham Singh Nagar Uttrakhand.
3. NOORTARAN KHATOON W/O IMTIYAZ ALI Resident of Village- Chakferi Jha Colony, Pantnagar, Jawahar Nagar, Police Station, District- Udham Singh Nagar, Uttrakhand.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NASIMA KHATOON W/O AFSAR ALI Resident of Village- Muliya Agarva, P.S.- Jareya Sujan, District- Kushinagar, Uttar Pradesh.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Ashutosh Tripathi, Adv.
		Mr. Aakash Choudhary, Adv.
For the State	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioners, learned counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. This application has been filed for quashing of the F.I.R. dated 20.12.2021 against the petitioners in Jadopur, P.S. Case No. 198/2021 registered for the offences u/ss 304B/34 of the Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Gopalganj.

3. The prosecution case in brief is that the marriage of



the informant's daughter was solemnized with one Kaushar Alam three years ago and after the marriage, the petitioners started torturing the informant and demanded four wheeler car as dowry and when the said demand was not fulfilled, they committed murder of the informant's daughter by hanging. The informant apprehends that the accused persons named in the F.I.R. have committed murder of his daughter.

4. Learned counsel for the petitioners has submitted that the petitioner no. 1 is an old lady who is widow and the mother-in-law of the deceased. The petitioner nos. 2 and 3 are the sisters-in-law (*nanad*) of the deceased and they are living in their *sasural* with their husband and in-laws. They are the resident of Uttarakhand and at the time of the alleged incident, they were in their matrimonial home far from the place of occurrence. The petitioners neither demanded any dowry nor assaulted the deceased. Learned counsel has further submitted that the informant's daughter was not happy with her marriage because of the fact that her husband resides out of the country for his livelihood and as such, she went in depression and committed suicide. It is further submitted that more than a year has passed, police has not submitted charge-sheet in this case. Learned counsel has further submitted that the petitioners have



no concern with the alleged offence.

5. Learned counsel for the opposite party no. 2 and learned A.P.P. for the State have vehemently opposed the quashing application of the petitioners. Learned counsel for the opposite party no. 2 has further submitted that there is specific allegation against the petitioners is that they have committed murder of the informant's daughter by hanging due to non-fulfillment of demand of dowry who are other than the husband of the deceased and at this stage, the present prosecution may not be quashed. As per the post-mortem report of the deceased, the cause of death is due to asphyxia and shock due to hanging.

6. Considering the aforesaid facts and circumstances of the case, this Court do not find any merit in the contention of the learned counsel for the petitioners.

7. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

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