

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60605 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- HATHAURI District- Muzaffarpur

Tahida Khatoon @ Tahid Khatoon D/O Md. Arman Nadaf Village- Bhadai,
Ps- Hathauri, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Yasmin Khatoon Wife Of Md. Tarif Village- Barheta, Ps- Mahindvara, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 01-07-2024 Heard the parties.

2. Despite valid service of notice, none has appeared on behalf of opposite party no. 2.

3. The present application has been filed for quashing the order dated 11.11.2022 passed in Hathauri P.S. Case No. 107 of 2022 by which the learned Sub Divisional Judicial Magistrate, East Muzaffarpur took cognizance under Sections 323, 324, 498(A), 494, 504 and 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

4. As per the prosecution case, there is allegation of demand of dowry and torture against all the accused persons.

5. The petitioner is the married sister-in-law (Nanad)



who does not stay at her father’s place. There is general and omnibus allegation levelled against the petitioner.

6. Considering the aforesaid facts and the law laid down by the Hon’ble Supreme Court in the case of **Kahkashan Kausar and Ors. Vs. State of Bihar and Ors** reported in **AIR 2022 SC 820** and in the case of **Abhishek vs. State of Madhya Pradesh** reported in **2023 SC 4209**, this application is allowed.

7. Accordingly, the order dated 11.11.2022 in Hathauri P.S. Case No. 107 of 2022 passed by the Court of Sub Divisional Judicial Magistrate, East Muzaffarpur is hereby quashed.

(Sandeep Kumar, J)

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