

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56008 of 2015

Arising Out of PS. Case No.-997 Year-2012 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Safina Khatoon @ Savina Khatoon @ Lali and Ors W/o Md. Javed Akhtar.
 2. Md. Parwej Alam @ Umami S/o Late Abdul Wahid Ansari
 3. Nazeema Praveen @ Lilly @ Nazia Praveen W/o Md. Parwej Alam
 4. Md. Intakhab Alam @ Munna S/o Late Abdul Wahid Ansari
 5. Bibi Najni, W/o Md. Intakhab Alam @ Munna
All are Resident of Village/Mohalla-Ibrahimpur Gajipur, P.S. Tarapur,
District Munger.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bibi Fauzia Ishrat, D/o Md. Asif Alam, Resident of Village- Ibrahimpur
(Gazipur) P.S. Tarapur, District Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Adv. Mr. Rakesh Kumar Ranjan, Adv
For the O.P. No. 2	:	None
For the State	:	Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 27-03-2025 1. The instant criminal miscellaneous petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') with a prayer to quash the order dated 24.01.2013 passed by the court of Judicial Magistrate-1st Class, Munger in Complaint Case No. 997C of 2012 whereby the learned Magistrate has taken cognizance of the offences punishable under Sections 498A, 312 and 323/34 of the Indian Penal Code (in short 'IPC').



2. The main grounds taken by the petitioners' counsel to assail the order impugned to their extent are that all the petitioners are in-laws of the O.P. No.2, complainant, in the entire complaint, there is no specific allegation against any of them, the marriage of the O.P. No.2 with Md Akil Ahmad took place in the year 2004 while complaint was filed in the year 2012 in which the main allegation of torture was made by the complainant against her husband and mother-in-law but failed to reveal any specific role of any of the petitioners in causing the alleged cruelty and as per the statement made in the paragraph no. 3 of the complaint, admittedly, the complainant's in-laws were residing in Delhi while after the marriage, the complainant was residing at her *sasural* with her husband and as per the prosecution story narrated by the complainant, the accused persons including the petitioners had been torturing her since 2004 but between 2004 and 2012, no complaint was made by her and as per the statement made by the complainant in the paragraph no. 9 of the complaint, she had first approach to the police to lodge the FIR but in this regard, the said statement is completely vague and not reliable. It is lastly submitted by petitioners' counsel that the brother-in-law namely, Mohammad Jawed @ Md. Jawed Akhtar @ Roomi and mother-in-law



namely, Sitaram Khatoon, of the complainant (O.P. No.2) preferred Cr. Misc. No. 11405 of 2013 for the same relief as sought for by the petitioners and their prayer was allowed and the cognizance order which is also challenged in this miscellaneous petition was set aside to their extent and in view of the nature of allegation the case of the present petitioners stands on a better footing than that of the mother-in-law of the complainant as against her the complainant made specific allegation in the complaint.

3. No one appears on behalf of the O.P. No.2 and she earlier appeared through her counsel but later on left her attendance. Though, learned APP has opposed this petition and fairly accepted that against the petitioners there is general and omnibus allegation in the complaint.

4. Having heard both the sides and perused the order impugned and mainly the complaint filed by the O.P. No.2 as well as Annexure-3, this court finds substance in the aforesaid grounds taken by petitioners as in the entire complaint there is no specific allegation against the petitioners, who are in-laws of the complainant (O.P. No.2) and the marriage of the O.P. No.2 with one Md. Akil Ahmad took place in the year 2004 and as per the prosecution story narrated by the O.P. No.2 in her complaint,



the accused persons had been torturing her since 2004 but she filed the complaint in the year 2012 and regarding the allegation of miscarriage, no medical evidence was given by the complainant as per the petitioners' counsel, however, the said allegation is not specific against any of the petitioners and the complainant's attempt to lodge the FIR as stated by her in the complaint is completely vague and the same nature of relief as prayed for by the petitioners has already been granted to the mother-in-law and father-in-law of the O.P. No.2 vide order dated 28.09.2015 passed in Cr. Misc. No. 11405 of 2013 by the then co-ordinate Bench of this court, so, in view of these facts, all the petitioners are entitled to the relief which they have sought for in this petition. Accordingly, the order impugned taking cognizance of the alleged offences against the petitioners is hereby set aside to the extent of the petitioners and the instant petition stands allowed.

(Shailendra Singh, J)

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