

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51466 of 2016**

Arising Out of PS. Case No.-370 Year-2015 Thana- GARDANIBAG District- Patna

=====

Zinat Khatoon @ Zeenat Khatoon, Wife of Late Dr. S . Ahamad, resident of  
Mohalla- Kotwachok, P.S. Town, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Fauzia Arshi, Son of late Zayauddin Mallik, resident of H.N. B/ 155. Road  
No. A/11, Ali Nagar Colony, P.S. Gardanibagh, District- Patna.

... .. Opposite Party/s

=====

with

**CRIMINAL MISCELLANEOUS No. 50347 of 2016**

Arising Out of PS. Case No.-370 Year-2015 Thana- GARDANIBAG District- Patna

=====

Shayan Ahmad @ Dr. Shayan Ahmad, Son of Late Dr. S Ahman, resident of  
mohalla - Kotwachok, P.S. Town, District Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Fauzia Arshi, D/o late Zayauddin Mallik, resident of H.N. B/155, Road No.  
A/11 Ali Nagar Colony, P.S. Gardanibagh, District - Patna.

... .. Opposite Party/s

=====

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 51466 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.  
Ms. Shambhavi, Adv.

For the State : Mr. Prem Kumar Jha, APP

For the O.P. No. 2 : Mr. Sajid Salim Khan, Sr. Adv.  
Ms. Saobiya Mushtaque, Adv.  
Mr. Yasir Ashraf, Adv.

(In CRIMINAL MISCELLANEOUS No. 50347 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.  
Ms. Shambhavi

For the State : Mr. Tarun Prasad Mandal, APP

For the O.P. No. 2 : Mr. Sajid Salim Khan, Sr. Adv.  
Ms. Saobiya Mushtaque, Adv.  
Mr. Yasir Ashraf, Adv.



**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL ORDER**

6      29-07-2026                      Since both the applications arise out of the same case, bearing Gardanibagh (GBH) P.S. Case No. 370 of 2015 (G.R. No. 7166 of 2015), they have been taken up together and are being disposed off by this composite order.

2. Heard learned counsel appearing on behalf of the respective parties in both the matters.

3. Both the applications have been preferred under Section 482 of the Code of Criminal Procedure, 1973 for quashing the order dated 20.04.2016 passed by the learned Munsif-II-Cum- Judicial Magistrate-Ist Class, Patna in connection with Gardanibhag P.S. Case No. 370 of 2015 (G.R. No. 7166 of 2015), whereby cognizance of the offences under Section 498(A) of the Indian Penal Code (*in short the IPC*) read with 34 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act has been taken and processes have been issued against the petitioners for appearance to face the trial.

4. The petitioner, namely, Zinat Khatoon @ Zeenat Khatoon (*Cr. Misc. No. 51466 of 2016*) and the petitioner, namely, Shayan Ahmad @ Dr. Shayan Ahmad (*Cr. Misc. No. 50347 of 2016*) are mother-in-law and the husband of the opposite party No. 2 respectively, who have assailed the order,



being aggrieved, on account of it being, as submitted, bereft of sound legal principles in the absence of any cogent and credible evidence which has not come up in course of the investigation and as such, the order taking cognizance is bad in law.

5. At this stage, Mr. Sajid Salim Khan, learned Senior Counsel appearing on behalf of opposite party No. 2 points out that *vide* order dated 16.04.2024 (*Cr. Misc. No. 51466 of 2016*), while calling for up-to-date status report of the aforesaid case from the Court concerned, this Court has passed a conditional interim order that if the charges have not been framed, only then further proceedings in the case shall remain stayed.

6. Mr. Khan further points that charges in both the cases have already been framed on 18.11.2017 itself and at the time of making submission when the aforesaid order dated 16.04.2024 was passed, this fact was not brought to the notice of the Court by the learned counsel appearing on behalf of the petitioner.

7. In course of investigation, the police has found copious of evidence connecting the petitioners to the alleged crime of committing cruelty to a married women, *i.e.*, the complainant, as stipulated in Section 498(A) of the IPC and Sections 3 & 4 of the Dowry Prohibition Act and considering



the evidence and material collected in course of investigation, the learned Magistrate took cognizance of the offences, which is under challenge.

8. Since the charges have already been framed in the year 2017 itself and till date, the challenge has not been made to the framing of charge and as pointed by Mr. Sajid Salim Khan, learned Senior Counsel appearing on behalf of opposite party No. 2, out of the three charge-sheet witnesses, two have already been examined and one witness is likely to be examined very soon.

9. In this view of the matter, considering the advance stage of the trial, where the same is likely to conclude in a short time, this Court does not find any merit in these applications.

10. Both the applications are, accordingly, dismissed.

11. Needless to state that the learned Trial Court shall conclude the trial as soon as possible since the charges have already been framed in the year 2017 itself.

**(Rana Vikram Singh, J)**

Rakesh/Praveen-II

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

