

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63499 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Md. Khalil Ansari @ Md. Khalil, son of Late Md. Naqui,
2. Md. Akhtar Ansari @ Akhtar Ansari, son of Md. Khalil Ansari,
Both residents of Mohalla- Narial Ghat Takiyapar, P.S.- Danapur, District- Patna.
3. Baby Tabassum @ Tabassum Jahan wife of Ahmad Zaif,
4. Ahmad Zaif, son of Late Kaif Azimabadi,
Both are residents of Mohalla- New Azimabad Colony, P.S.- Sultanganj, District- Patna.
5. Shama Parween, wife of Nisar Ahmad, resident of village- Dubari, P.S.- Karakat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulshan Parween, daughter of Late Md. Nizamuddin, resident of Mohalla- Nawab Kothi Digha, P.S.- Digha, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rafi Ahmad, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 31-10-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed for



restoration of Cr. Misc. No.24518 of 2018 which was dismissed for want of prosecution on 31.08.2018.

3. Learned counsel for the petitioners submitted that he himself is a heart patient. On 31.08.2018, he was not feeling well and, as such, he consulted a doctor, who advised him rest. In view of the medical advice, he could not attend the court on 31.08.2018 and the application was dismissed for want of prosecution.

4. Regard being had to the submissions made above, prayer is allowed. Cr. Misc. No.24518 of 2018 is restored to its original file.

Cr. Misc. No.24518 of 2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the FIR of Danapur P.S. Case No.463 of 2017 dated 17.07.2017 registered under Sections 498A and 494 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submitted that there is no truth behind the allegations made in the FIR, which has been instituted with ulterior motives. He, however, submitted that during pendency of the application the police completed investigation



and submitted report before the Court of Magistrate under Section 173(2) of the Cr.P.C. On perusal of the FIR and the police report submitted under Section 173(2) of the Cr.P.C., the Magistrate has already taken cognizance of the offences.

4. On perusal of the allegations made in the FIR, as contained in Annexure-1 to the present application, I find that the allegations made therein relate to demand of dowry and subjecting the informant to cruelty by the petitioners in her matrimonial home for non-fulfillment of the same. The petitioners happen to be relatives of the husband of the victim. Considering the nature of allegations made in the FIR, I am of the opinion that since cognizable offences are attracted, no case for quashing the FIR is made out. The truth or falsity of the allegations or the motives of the informant is to be seen by the police in course of trial and by the court of competent jurisdiction at different stages after submission of the police report. The same cannot be examined by this Court while considering an application under Section 482 of the Code of Criminal Procedure filed for quashing of the FIR. Moreover, in the present case, the investigation is over and on perusal of the police report and other materials, the court of Magistrate has already taken cognizance of the offence.

5. In my considered opinion, at this stage, no case for



interference with the FIR is made out.

6. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.11.2018
Transmission Date	03.11.2018

