

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54354 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- NAANPUR District- Sitamarhi

1. Md. Alauddin, son of Late Jamil Ansari
2. Md. Ashraf @ Ashraf Ali
3. Md. Rizwan @ Rizwan
4. Md. Imran @ Imran All sons of Md. Alauddin Ansari
5. Jabrun Nisa @ Sabrun Nisa wife of Md. Alauddin Ansari
6. Sabana Khatoon @ Shabnam D/o Md. Alauddin All residents of Village - Banaul, P.S. Nanpur, District - Sitamarhi, presently residing at 12G/5 Gali No. 5, P.S. Tughlaqabad, Delhi - 110019.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate
Mr.Akram, Advocate
For the Opposite Party/s : Mrs.Sha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 31-07-2024 The order of cognizance taken by the learned Judicial Magistrate, Sitamarhi on 24th of March, 2018 in G.R. No. 1194 of 2017 arising out of Nanpur P.S. Case No. 334 of 2017 under Sections 323, 504 and 34 of the IPC is under challenge in the instant application under Section 482 of the Cr.P.C.

2. It is pertinent to mention that Nanpur P.S. Case No. 334 of 2017 was registered on the basis of a written compliant submitted by one Sabila Khatoon being a co-villager of the petitioners, alleging, inter alia, that on 8th of October, 2017 at about 08:00 A.M., the petitioners along with two others entered



into the courtyard of the informant. They were armed with various weapons. They abused the informant in filthy language and Petitioner No. 1 assaulted her by catching her hair. Other accused persons also assaulted her by fists and blows.

3. It is submitted by the learned Advocate for the petitioner that one Quamrun Nisa lodged a compliant against Saghira Khatoon, Fatma Khatoon, Kausar Khatoon and Sabila Khatoon. On the basis of the said compliant, a case under Sections 341, 323, 354, 380, 504, 506 and 34 of the IPC and Section 3/4 Prevention of Witch Practice Act was instituted against the above-named accused persons. The informant of the present case lodged a false compliant against the petitioners because of the fact that Petitioner No. 1 Md. Alauddin is the brother-in-law of Quamrun Nisa. It is further submitted by the learned Advocate for the petitioners that the compliant was lodged against the petitioners maliciously without any ring of truth therein and therefore the Criminal Case being GR. No. 1194 of 2017 ought to be quashed in view of the guidelines laid down in Bhajan Lal's case.

4. I have heard the learned Advocate for the petitioners.

5. I have also perused the entire materials on record.



6. The informant of Nanpur P.S. Case No. 334 of 2014 is Sabila Khatoon. The said informant has not been made a party in the instant case. There is no relation between Sabila Khatoon and Quamrun Nisa. Both the incident is distinct and separate. At this stage, there is no material before this Court to hold that in order to put pressure upon Quamrun Nisa, the informant lodged a false compliant against the petitioners. The question as to whether the ingredients of offence under Sections 323 or 504 of the IPC has been proved or not can only be considered on the basis of the evidence that may be adduced during trial.

7. In view of such circumstances, I do not find any reason to quash the aforesaid criminal case. The application under Section 482 of the Cr.P.C. is accordingly rejected and the instant Cr. Misc. Case is summarily dismissed.

(Bibek Chaudhuri, J)

uttam/-

U			
---	--	--	--

