

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19209 of 2015

Arising Out of PS.Case No. -1465 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Vivek Kumar @ Vikki son of Late Pratap Narayan Shrivastava,
2. Niru Devi wife of Late Pratap Narayan Shrivastava,
3. Binita Kumari @ Boni, Daughter of Late Pratap Narayan Shrivastava,
4. Neha Kumari Daughter of Late Pratap Narayan Shrivastava,
5. Navin Kumar @ Pappu son of Late Bibhuti Prasad Shrivastava, All residents of
village- Deori, P.O. & P.S.- Kurhani, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari wife of Sri Vivek Kumar @ Vikki, Daughter of Sri Binay
Kumar, resident of village- Deori, P.O. & P.S.- Kurhani, District- Muzaffarpur at
present Village & P.O.- Satpura, P.S.- Bhagwanpur, District- Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M.N. Parbesh, Sr. Adv.
Mr. Manoj Kumar Manoj, Adv.
For the State : Mr. D.P. Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 28-07-2015

Heard learned counsel for the petitioners, learned
Additional P.P. for the State as well learned counsel for the O.P. No.
2.

On account of differences having been cropped up
amongst the spouses ultimately resulted in strained relationship
leading to filing of instant case wherein cognizance has been taken
under Sections 498A of the Indian Penal code and 3, 4 of the Dowry
Prohibition Act by the learned Sub Divisional Judicial Magistrate,

Vaishali at Hazipur in connection with Complaint Case No. 1465 of 2014.

At the behest of respective learned counsels, as has been submitted, that the matter has been compromised amongst the parties and on account thereof, there happens to be reunion of re-marital status. The spouses are leading their conjugal life happily, peacefully as well as in convenience atmosphere.

That being so, learned counsels are of the view that order of cognizance dated 13.11.2014 should be quashed. Although the offence attracting Section 498A of the Indian Penal Code happens to be non-compoundable but taking into account the nature of dispute, the Hon'ble Apex Court has held that in case, there happens to be compromise between the parties then, in that event, same should be quashed. Reference is of **B.S.Joshi v. State of Haryana** reported in **(2003) 4 SCC 675**.

Accordingly, prosecution along with the order of cognizance dated 13.11.2014 passed in Complaint Case No. 1465 of 2014 is hereby quashed. The application is allowed.

(Aditya Kumar Trivedi, J)

Prakash/-

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