

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1521 of 2013

Arising Out of PS.Case No. -176 Year- 2012 Thana -SHRIKRISHNAPURI District- -Patna

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Ravi Ranjan Kumar, Son of Jay Mangal Paswan, Resident of Tilak Marg,
House No. 26, P.S. S.K. Puri, District Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Smriti, Daughter of Narendra Paswan, Resident of Village Sewai, P.S. Kadirganj, District Patna, presently residing at New Patliputra Colony, Road No. 1, House No. 48, P.S. Patliputra, District Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Shri Rana Pratap Singh, Senior Advocate
Shri Prakash Kumar, Advocate
Shri Manoranjan Kumar, Advocate

For the State : Asraf Ansari, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

5 04-05-2015 The Court had deemed the earlier notice served upon the opposite party no. 2 but in spite of that she has not chosen to appear.

Shri Rana Pratap Singh, the learned senior counsel appearing on behalf of the petitioner has drawn the attention of the Court to an order passed by a Bench of this Court in Cr. Misc. No. 15748 of 2013 in which both the parties had appeared and filed a joint petition informing the Court that they had jointly filed a petition seeking dissolution of their marriage under Section 13(B) of the Hindu Marriage Act. The attention of the Court was further drawn to another judicial order (Annexure-2) to the supplementary affidavit which is an order passed by the Principal Judge, Family

Court, Patna in Matrimonial Case No. 742 of 2013, paragraph-4 of which indicates as if on the application and in the light of the evidence of spouses, i.e., the present petitioner and opposite party no. 2, namely, Smriti, their marriage was dissolved on amicable resolution of the marital dispute.

In the light of the Supreme Court decision rendered in *Aparna Mehta Kapur & Anr. Vs. State of Uttar Pradesh & Anr.*, reported in (2009) 17 SCC 591 it appears a fit case in which the prosecution of the petitioner should be quashed.

In the result, the petition succeeds and the same is allowed. The First Information Report of Sri Krishnapuri P.S. Case No. 176 of 2012 is hereby quashed.

(Dharnidhar Jha, J.)

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