

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36490 of 2012

=====

Ajay Kumar Gupta, S/O Vasant Sao, Resident of Village- Manpur, P.S.-
Mufassil, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, D/O Rakesh Sao, Resident of Kakurkanna, P.S.- Bhagan
Bigha (Rahui), District- Nalanda

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr.Adv.
Mr.Pramod Kumar
Mr.Ritesh Kumar

For the Opposite Party no.1 : Mr. Surendra Pd.Singh APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-04-2015 Heard learned counsel appearing on behalf of the petitioner and learned Addl.P.P. appearing on behalf of the State of Bihar. However, none appears on behalf of the opposite party no.2, though she has entered appearance through her learned counsel, whose name is appearing in the daily cause list.

The petitioner has filed the present application under Section 482 Cr.P.C. for quashing the order dated 09.08.2011 passed by the learned S.D.J.M., Nalanda at Biharsharif in Complaint Case No.393C of 2011, whereby cognizance has been taken for the offences under Sections 323, 504, 498A/34 of the Indian Penal Code as also under Section 3/4 of the Dowry Prohibition Act and summons have been issued to the accused persons including the petitioner for facing trial.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner happens to be the husband of the complainant. He further submits that, in fact, the matter has

been compromised between the petitioner as also the opposite party no.2 and compromise petition has been filed in the court of learned S.D.J.M., Nalanda at Bihar Sharif, but no final order has been passed.

Earlier notice was issued to the opposite party no.2 by the order dated 07.12.2012, but none is appearing on her behalf to support the factum of the aforesaid compromise.

In the aforesaid facts and circumstances, the present application is disposed of with a direction to the learned Magistrate, who is in seisin of the aforesaid complaint case, to pass an appropriate final order after giving an opportunity of hearing to both sides on the joint compromise petition filed on behalf of the petitioner and one Malti Devi at one side and complainant Soni Kumari at the other side. Only after passing of an appropriate final order on the aforesaid joint compromise petition, the learned Magistrate shall proceed further in accordance with law.

It goes without saying that, if the learned Magistrate accepts the compromise petition filed by the parties after hearing them, then he need not be required to proceed further in the aforesaid criminal case.

The application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

U		T	
---	--	---	--