

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 3783 of 2009

Kamran Farooqui son of late Md. Usman Gani resident of village Purkhopatti P.S. Bahadurpur Dist. Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No. 37460 of 2008

Hasnain Azim son of Ishteyaque resident of Sadpur Milki Tola P.S. Quazi Mohammad pur Dist-Muzzaffer Pur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Shaista Usmani wife of Md. Hasnain Azim D/o Md. Imran Farooqui

.... Opposite Party/s

with

Criminal Miscellaneous No. 32609 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- DARBHANGA

1. Md.Monazir Hassan @ Monaziruddin son of late Mozahir Resident of village Tenda P.S. Baligaon Dist. Vaishali.
2. Md. Arif son of Lae Zafiruddin.
3. Md. Akif son of Md. Arif Both are resident of village Mahesh Patti. P.s. Ujyarpur dist Samastipur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shaista Usmani D/o Imran Farooqui wife of Hasnain Azim presently residing at village Purkhopatti P.S. Bahdur Pur Dist Darbhanga.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No. 3783 of 2009)

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the State : Mr. Uma Shankar Prasad Singh, APP.

For the Opposite Party/s : Mr. Md.Anjum Akhtar, Adv.

(In Cr.Misc. No. 37460 of 2008)

For the Petitioner/s : Mr.

Mr

For the Opposite Party/s : Mr.

(In Cr.Misc. No. 32609 of 2009)

For the Petitioner/s : Mr.

For the State Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 24-07-2015

On account of having dispute amongst spouses on account of which series of litigation cropped up and ultimately reached to the Hon'ble Apex Court at the instance of wife namely, Shaista Usmani under Special Leave Petition (Cr.) No. 9811 of 2009 which was preferred against an order dated 20.08.2009 passed by this Court in Cr. Misc. No. 39515 of 2007 quashing the prosecution against the petitioners purported to be under Section 498A along with other allied Sections of the I.P.C. Fortunately at the intervention of the Hon'ble Apex Court the matter amongst the parties have got finally settled and in terms thereof S.L.P (Cr.) No. 9811 of 2009 was disposed off which happens to be Annexure-20 of Cr. Misc. No. 37460 of 2008.

Cr. Misc. No. 37460 of 2008 as well as Cr. Misc. No. 32609 of 2009 having been filed by the remaining accused after the proceeding lodged under Section 498A along with other allied Sections of I.P.C relating to Bahadurpur P.S. Case No. 96 of 2008. In likewise manner Cr. Misc. No. 3783 of 2009 has been preferred on behalf of bride side relating to the order of cognizance dated 26.07.2007 as well as order of affirmation by the Revisional Court dated 11.12.2008 under Cr. Revision No. 320 of 2007 passed by the

Additional Sessions Judge, F.T.C I, Darbhanga.

Heard learned respective counsels along with learned Additional P.P for the State.

As per agreement arrived amongst the parties having reached to the Hon'ble Apex Court does pave the way to nick all these proceedings at this stage and on account thereof order dated 26.07.2007 passed by the learned Judicial Magistrate in Laheriasarai P.S. Case No. 161 of 2006 taking cognizance of offence punishable under Sections 341,323,379,384,504/34 I.P.C as well as the order dated 11.12.2008 passed by the learned Sessions Judge F.T.C I Darbhanga in Cr. Revision No. 320 of 2007, dismissing the Cr. Revision affirming the order of cognizance are set aside.

In likewise manner Cr. Misc. No. 37460 of 2008 as well as Cr. Misc. No. 32609 of 2009 challenging the order dated 25.05.2007 whereby and where under cognizance of offence punishable under Sections 498A, 406,379/34 I.P.C and ¾ of the D.P. Act relating to Bahadurpur P.S. Case No. 96 of 2006 in terms of order passed by the Hon'ble Apex Court as referred above, are allowed, setting aside the order impugned. .

(Aditya Kumar Trivedi, J)

Prakash/-

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