

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50771 of 2012

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Ahmad Ali & Anr.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 21-05-2015

Heard learned counsel for the petitioner and the State.

A supplementary affidavit has been filed annexing the order-sheet of the court below. It has been recorded that the parties have entered into settlement and they are living together peacefully under the same roof.

The present application has been filed against the order dated 26th September 2012 passed in Cr. Rev No. 75 of 2012 whereby and whereunder he dismissed the revision and affirmed the order dated 7th February 2012 passed by the S.D.J.M., Siwan in Trial No. 3294 of 2012 arising out of Siwan Town P.S.Case No. 291 of 2010 registered u/s 323, 498A IPC and 3, 4 and 5 of the Dowry Prohibition Act.

It appears that after cognizance, discharge petition was filed but the court below after perusing different paragraphs of the case diary rejected the petition. Thereafter revision petition

was filed which was also rejected.

Counsel for the O.P. supported the submission of the counsel for the petitioner that both of them are living peacefully under the same roof and, as such, there is no need to continue the present prosecution.

As the matter is arising out of matrimonial dispute and parties are living together peacefully and have no grievance against each other, continuation of the criminal proceeding will be abuse of process of court creating further discord between the parties in their peaceful life. For this ends of justice, this Court feels that the court below wrongly refused to discharge the petitioner, as such, the order of the Sessions Court and the order of the trial court are hereby quashed and the entire criminal proceeding is held to be bad and is quashed.

With this observation, this petition is allowed.

(Shivaji Pandey, J)

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