

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2986 of 2015

Arising Out of PS.Case No. -14 Year- 2014 Thana -MAHILA P.S District- SUPAUL

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1. Md. Rajjaq @ Md. Rajak, S/o Late Md. Salim
2. Md. Amril @ Amir, S/o Md. Rajjaq
3. Bibi Jaitun @ Jaitun Khatoon, W/o Md. Rajjaq
4. Juveda Khatoon, D/o Md. Rajjaq
5. Rojida Khatoon, D/o Md. Rajjaq
All are Resident of Village Koriyapatti, Devipur, P.S. Raghapur, District Supaul.
..... Petitioners

Versus

1. The State of Bihar.
2. Rabina Khatoon W/o Md. Amir, Resident of Village Koriyapatti Devipur, P.S. Raghapur, District- Supaul.

..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Opposite Party/s : Mr. Shardanand Jha, APP
For the O.P. No. 2 : Mr. Avanindra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-05-2015

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the entire criminal proceeding arising out of Supaul Mahila P.S. Case No. 14 of 2014 registered under Sections 341, 323, 447, 504, 506, 498A, 328 and 379 of the Indian Penal Code as well as Sections 3 & 4 of the Dowry Prohibition Act.



3. The first information report in connection with Supaul Mahila P. S. Case No. 14 of 2014 was registered on 6.2.2014 on the basis of a written report submitted by the opposite party no. 2 Rabina Khatoon. She has alleged in her written report that she was married to the petitioner no. 2 Md. Amril @ Amir about a year ago as per Muslim rites and customs. After six months of her marriage, the accused persons started subjecting her to cruelty for non-fulfilment of demand of a cow and a motorcycle. They even tried to kill her by administering poison. Ultimately, on 2.2.2014 at about 2 p.m., she was kicked out of her matrimonial home after retaining all her belongings.

4. On the basis of the aforesaid allegation, the police registered the case on 6.2.2014 and took up investigation. The matter is still under investigation.

5. It has been submitted that the petitioner no. 1 Md. Rajjaq @ Md. Rajak is father-in-law, petitioner no. 3 Bibi Jaitun @ Jaitun Khatoon is mother-in-law and petitioner nos. 4 and 5 Juveda Khatoon and Rojida Khatoon respectively are sisters-in-law (Nanad) of the opposite party no. 2.

6. Learned counsel for the petitioners has contended that actually the dispute between the parties arose out of temperamental differences. However, due to the timely



intervention of common relatives and well-wishers, the parties have resolved their differences. As of date, there is no matrimonial discord and incompatibility between them. They are happily living together and in order to put an end to the entire criminal prosecution, they have filed a joint compromise petition before the Magistrate concerned on 27.10.2014. The learned Judicial Magistrate has taken note of the filing of the joint compromise petition in his order dated 27.10.2014.

7. Mr. Avanindra Kumar Jha, learned counsel for the opposite party no. 2, has supported the contention of learned counsel for the petitioners. He has submitted that now the opposite party no. 2 has no grievance against her husband and in-laws. She is living in her matrimonial home and she does not intend to proceed further in the matter.

8. I find that though several sections of the penal code have been levelled in the first information report but as a matter of fact, on the basis of the allegations made in the first information report, it would appear that the case has been filed essentially due to little matrimonial skirmishes.

9. The object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-



A of the Penal Code has been added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. It is true that the offence under Section 498-A is non-compoundable one. However, in the given facts and circumstances of the case, when the complainant herself has filed a compromise petition before the Magistrate concerned and the learned counsel appearing on her behalf has submitted that the informant has settled her disputes with her husband and his relatives, in my opinion, no useful purpose would be served by allowing investigation of the case to continue.

10. In **Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre** reported in (1988) 1 SCC 692, it has been held by the Apex Court that while exercising inherent power of quashing under Section 482 of the Code of Criminal Procedure, it is for the High Court to take into consideration any special features which appear in a particular case to consider whether it is expedient in the interest of justice to permit a prosecution to continue.

11. The special feature in the present matter is that though the matrimonial dispute leading to filing of a criminal case arose within few months of the marriage but the parties have

settled their disputes amicably and are living together. Under the circumstances, for seeming the ends of justice, I deem it fit and proper to quash the entire criminal prosecution in connection with Supaul Mahila P.S. Case No. 14 of 2014.

12. In that view of the matter, the entire criminal proceedings including the first information report of Supaul Mahila P.S. Case No. 14 of 2014 is quashed.

13. Accordingly, the application is allowed.

(Ashwani Kumar Singh, J.)

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