

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16072 of 2013**

Arising Out of PS.Case No. -180 Year- 2010 Thana -KADAMKUAN District- PATNA

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1. Madhuri Sinha wife of Sunil Kumar Sinha.  
2. Sunil Kumar Sinha, Son of Late Suryadeo Nr. Sinha.  
Resident of Mohalla- Laxmi Narayan Nagar, Bela, Post- R.K. Ashram, P.S.-  
Mithanpura, District- Muzaffarpur

.... .... Petitioners

Versus

1. The State Of Bihar  
2. Kumari Anuja, daughter of Ravindra Kumar, resident of Rajendra Nagar,  
Road No.6/C, House No.-332, P.S.- Kadamkuan, District- Patna

.... .... Opposite Parties.

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**Appearance :**

For the Petitioners : Ms. Soni Shrivastava, Advocate.

For the Opposite Party

No. 2 : Mr. Bipin Kumar, Advocate.

Mr. Arun Kumar, Advocate.

For the State : Mr. Jintendra Kumar Ray, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD**  
**ORAL ORDER**

5      23-07-2015                      Heard learned counsel for the petitioners and learned  
counsel for the State.

This is a petition for quashing the order dated 14.07.2011  
passed by the S.D.J.M., Patna, in connection with Kadamkuan  
P.S. Case No. 180 of 2010 by which cognizance has been taken  
under Section 498A of the Indian Penal Code and Section 3/4 of  
Dowry Prohibition Act.

The petitioners are father-in-law and mother-in-law of  
the victim who have lodged the case which has been registered in  
Kadamkuan P.S. Case No. 180 of 2010.

The case was heard and by order dated 24.06.2014 notice was issued to opposite party no. 2 and further proceeding against the petitioners in Kadamkuan P.S. Case No. 180 of 2010 pending in the court of S.D.J.M., Patna, was ordered to be stayed.

However, during the pendency of this petition a supplementary affidavit has been filed by the petitioners that informant and husband has compromised their case bearing Matrimonial Case No. 816 of 2010 during reconciliation proceeding and parties have agreed to resolve their dispute amicably and in terms of their agreement they have agreed for dissolution of their marriage by decree of divorce on their amicable settlement in terms that the husband shall pay Rs.7,00,000/- to the respondent-wife towards her one time settlement of alimony and maintenance and further agreed to return her stridhan. Likewise the complainant-wife who is respondent in Matrimonial Case No. 816 of 2010 shall also in terms withdraw the criminal case filed under Section 498A of Indian Penal Code against the husband and others. Hence a prayer has been made to quash the case against the petitioners against whom nothing serious alleged rather there is no specific allegation against them.

Having regard to the fact that submission not refuted by

the complainant-opposite party no. 2 with objection that payment as agreed between the parties as alimonies be ensure to be paid.

Since the matter has been settled between the parties, hence, there is no useful purpose by allowing the prosecution to continue.

Having regard to the fact and recent development that order passed in Matrimonial Case no. 816 of 2010 which has been annexed as Annexure-4 to the supplementary affidavit which has not been disputed by the learned counsel for the opposite party no.2.

Hence the criminal proceeding of Kadamkuan P.S. Case No. 180 of 2010 is hereby quashed, subject to payment of Rs.2,00,000/-(two lakhs) out of Rs.7,00,000/-(seven lakhs) (required to pay by husband in term of compromise in matrimonial case) to be paid by the petitioners. However, the said payment of 2,00,000/- (two lakhs) deemed to have been paid out of Rs.7,00,000/- (seven lakhs) to be paid by husband be deducted finally.

m.p.

**(Gopal Prasad, J)**

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