

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5128 of 2013

Arising out of PS.Case No. -16 Year- 2011 Thana -PHULWARIA District--Begusarai

- =====
1. Aman Kumar Jha, Son of Navinkant Jha.
 2. Navinkant Jha, Son of Ramakant Jha.
 3. Sunita Devi, Wife of Navinkant Jha.
 4. Puja Kumari, Daughter of Navinkant Jha.
 5. Pawan Kumar Jha, Son of Navinkant Jha.

All resident of Village Sanha Parora, P.S. Sahebpur Kamal, District Begusarai. At present Mohalla Lohiya Nagar, P.S. Town Begusarai, District Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Mona Kumari, Wife of Ram Bilas Pathak, Resident of Village Goura (Bhagwati Asthan Pokhar), P.S. Teghara, District Begusarai. At present residing with her father at Jagdamba Asthan Shokahara, P.S. Fulwaria, District Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioners : Shri Surendra Kishor Thakur, Advocate
For the State : Shri Raj Kishor Singh, APP

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 05-05-2015

Heard.

The quashing of the order of cognizance dated 13.03.2012 is prayed for by the petitioners through the present petition on the ground that the marriage between the petitioner no. 1 and Mona Kumari the informant of the case was dissolved by a decree of dissolution of marriage passed under Section 13B of the Hindu Marriage Act. The copy of the order under Section 13B of the Hindu Marriage Act has been placed on record as Annexure-6 to the present petition. The decree prepared in that behalf appears as part of the order passed under

Section 13B of the Hindu Marriage Act at page 49 of the present petition. The judgment dissolving the marriage between the parties was passed on 7th of December, 2012 and the decree in that behalf was signed and sealed on 19.12.2012. The effect of the dissolution of the marriage has to be reckoned from the date of judgment.

What appears from the First Information Report is that the date of occurrence was from 07.04.2009 to 26.10.2009 during which period the marriage was still subsisting. As such, the dissolution of the marriage by a decree passed by a competent court could not have much effect on the order of cognizance as on the day of occurrence as noted above, the marriage was still subsisting.

However, the petitioner shall file the judgment passed by the Principal Judge, Family Court, Begusarai prepared in that behalf and the parties shall appear and file a joint petition for disposal of the case in the light of the compromise. The learned S.D.J.M., Begusarai shall verify the factum of compromise by examining the two parties and shall consign the case on the basis of compromise. The learned S.D.J.M., Begusarai may find that the dissolution of marriage under Section 13B of the Hindu Marriage Act is on account of

mutual effort of the parties for dissolving the marriage.

With the above direction to the learned S.D.J.M.,
Begusarai, the petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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