

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34020 of 2012

=====

1. Rabindra Kumar son of Lal Babu Prasad
2. Lal Babu Prasad son of Indra Deo Mahto
3. Gulejhari Devi wife of Indra Deo Mahto
4. Indra Deo Mahto son of Late Kanhai Mahto
5. Sarsawati Devi wife of Lal Babu Mahto
All are Resident Of Village- Khap Tola, Nautan, P.S.- Nautan, District-
West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kiran Devi , wife of Rabindra Kumar And daughter of Brijesh Prasad
Resident Of Village- Khap Tola, Nautan, P.S.- Nautan, District- West
Champaran And Presently Residing At Village- Jokaha Gurwaliya, P.S.-
Manuapul, District- West Champaran

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Saheen Begum(App)
Sri Umesh Chandra Verma

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-04-2015 Heard Sri Sanjay Kumar No. 7, learned counsel for the

petitioners , learned A.P.P. as well as Sri Umesh Chandra Verma,

learned counsel, who has appeared on behalf of complainant /

opposite party no.2 pursuant to order dated 18.10.2012 whereby

direction was issued for issuance of notice to opposite party no. 2.

Five petitioners, invoking inherent jurisdiction of this

court under Section 482 of the Code of Criminal Procedure, have

prayed for quashing of an order dated 29.6.2012 passed by

learned Sub divisional Judicial Magistrate, Bettiah, West

Champan, in Case No. S.C. 731 of 2012 Complaint Case No. 1711C of 2011. By the said order learned Magistrate has taken cognizance of offence under Section 498A of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act and directed for issuance of necessary process.

Learned counsel for the petitioners submits that prior to filing of the complaint petition, petitioner no. 1 who was husband of opposite party no. 2 had filed a divorce case vide Divorce Suit No. 195 of 2011 alleging therein adultery against opposite party no. 2 with younger brother of petitioner no. 1 himself.

Sri Umesh Chandra Verma, learned counsel for complainant / opposite party no. 2 accepts that during the pendency of the present petition the opposite party no.2 has already solemnized marriage with the younger brother of petitioner no. 1 and now the opposite party no.2 is living peacefully as daughter –in-law of petitioner no. 2 and 5 and now the complainant does not want to pursue the matter.

In view of the facts and circumstances particularly the stand taken by learned counsel for complainant, the court is of the opinion that no purpose would be served in allowing the proceeding in Complaint Case No. 1711C of 2011 to further proceed. Accordingly, for the ends of justice, it is desirable to

interfere with the order and the order dated 29.6.2012 passed by learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran is hereby set aside.

The petition stands allowed.

(Rakesh Kumar, J)

Praful/-

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