

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14856 of 2013

Arising Out of PS.Case No. -2413 Year- 2010 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Vindhanchal Prasad Keshri S/O Sri Baban Prasad Keshri Resident Of
village Soyambar Vastralai Beneach Of S.B.I. Buxar Branch, Purani
Chowk, Buxar, P.S. Buxar (T), District Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Harshita Devi D/O Suresh Prasad Keshri W/O Vindhanchal Prasad
Keshri Resident Of Mohalla Tari Mohalla, Ara, P.S. Ara Town, District
Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

5 23-07-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

The present application under Section 482 of the
Code of Criminal Procedure, 1973 has been filed for quashing of
the order dated 26.09.2011 passed by the S.D.J.M., Ara in

Complaint Case No. 2413C of 2010/Tr. No. 3104 of 2010 by which cognizance has been taken against the petitioner and others for offences punishable under Sections 498A/406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

At the very outset, learned counsel for the petitioner submits that he has always been ready to keep the opposite party no. 2, who is the complainant and his wife, in the matrimonial home but it is she who has been avoiding doing so. However, today also there is categorical stand that he is still ready to keep her with him with full dignity, honour and security.

Learned A.P.P. for the State and learned counsel for the opposite party no. 2 submit that she is ready to go and live with the petitioner and the Court may safeguard her well being and interest.

In view of the aforesaid, let the petitioner and the opposite party no. 2 appear before the court below on 10th August, 2015 where the petitioner shall give an undertaking that he shall keep the opposite party no. 2 with him and shall ensure her dignity, safety and security and also her general wellbeing. He shall also undertake that the opposite party no. 2 shall be free to talk to and meet her relatives who shall be allowed to visit her and she shall also be allowed to visit them without any restriction or



hindrance from the petitioner or his family members. The parties shall then go to live together in the house of the petitioner or wherever he resides. The Court will fix dates in the case every month for the next nine months when the parties will appear and the Court will record a finding with regard to the relationship. If the Court finds that the relationship has been restored and the opposite party no. 2 is satisfied about her wellbeing, the Court shall fix the last date in the case as 16th May, 2016. If there is no impediment or complaint from the side of the opposite party no. 2, the complaint case, including the order taking cognizance dated 26.09.2011 relating to Complaint Case No. 2413C of 2010/Tr. No. 3104 of 2010, shall stand quashed.

If there is any violation of the terms and conditions of the undertaking or if the opposite party no. 2 is otherwise harassed by the petitioner or his family members, she shall be at liberty to file a petition before the court below which shall be disposed off after hearing the parties by passing a reasoned order. In the event the Court finds merit in the petition of the opposite party no. 2, the present order shall stand automatically recalled and the complaint case shall proceed in accordance with law. Such liberty will continue even after 16th May, 2016, if the situation so warrants.

Equally, the petitioner shall also be at liberty to bring to the notice of the Court if there is any unwarranted or unreasonable conduct on the part of the opposite party no. 2 which shall also be dealt by the court below in accordance with law after hearing the parties.

As an interim measure, neither coercive measures shall be taken against the petitioner relating to the case nor the case in the court below shall proceed on merits.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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