

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4417 of 2013

Arising Out of PS.Case No. -87 Year- 2011 Thana -ISHAKCHAK District- BHAGALPUR

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1. Pravin Anand . S/O-Bhola Anand Resident Of A-56-A, Shakti Vihar, Mohan Garden,Uttam Nagar,P.S-Uttam Nagar,New Delhi110059.
 2. Bhola Anand S/O-Late Palat Mahto Resident Of A-56-A, Shakti Vihar, Mohan Garden,Uttam Nagar,P.S-Uttam Nagar,New Delhi110059.
 3. Smt. Gita Anand W/O Sh. Bhola Anand Resident Of A-56-A, Shakti Vihar, Mohan Garden,Uttam Nagar,P.S-Uttam Nagar,New Delhi110059.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Roji Anand @ Rosy Sinha W/O-Sh. Pravin Anand D/O Late Surendra Prasad Sinha Permanent Resident Of H.No.595,Bhuramal Garden,Ishak Chak,P.S.-Ishakchak,In The Town And District Of Bhagalpur (Bihar).At Present Residing With Pravin Anand At C/O-S.K.Saroha,House No.262,Sector 14,Sonepat,Haryana 131001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 04-05-2015 Heard Shri Diwakar Upadhyaya, learned counsel appearing on behalf of the petitioners, Shri Niharnandan Ambasta, learned counsel appearing on behalf of Opposite Party No.2 and Shri Upendra Kumar, learned counsel appearing on behalf of the State.

The admitted facts were that the parties were married to each other and there were some disputes between them and proceedings, both matrimonial and criminal in nature, cropped up between them. A petition for dissolution of the marriage of the



petitioners and Opposite Party No.2 was filed before the District Judge, Tis Hazari, District Courts, New Delhi which was numbered as HMA No.455 of 2011 and it appears further from an order passed on 31.08.2012 by the mediation centre in the above noted matrimonial application that the parties had decided to bury the hatchet and to live amicably as spouses.

In view of the reconciliation affection between the spouses the matrimonial proceedings was consigned. During the course of reconciliation in connection with HMA No.455 of 2011, the parties had decided to move this Court for quashing the FIR of Ishachak P.S.Case No.87 of 2011 presently pending investigation within the jurisdiction of the Chief Judicial Magistrate, Bhagalpur.

The learned counsel appearing on behalf of Opposite Party No.2, i.e., M/s Roji Anand @ Rosy Sinha has informed the Court that after reconciliation between the petitioner and Opposite Party No.2, they are living as spouses and, as such, there was no need to continue the proceeding.

The Supreme Court had held in the case of **Aparna Mehta Kapur & Anr Vs- State of Uttar Pradesh & Anr, reported in (2009)17 SCC 591** that disputes which have emerged from commercial transactions or which have arisen from matrimonial disputes, on an amicable out of the Court between

the parties, should not be allowed to continue. Going by the above law, the FIR of Ishachak P.S.Case No.87 of 2011 is hereby quashed.

(Dharnidhar Jha, J)

B.Kr./-

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