IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28019 of 2013

Arising Out of PS.Case No. -495 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-JEHANABAD

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1. Janki Devi, wife of Late Ram Ekbal Rajak,
2. Mohan Lal Rajak S/O Late Ram Ekbal Rajak

Both resident of Village Sector 1/B, Ambedkar Nagar, Dhobi Lane, P.O. + P.S. Bokaro Steel City, District Bokaro (Jharkhand).

.... Petitioners

Versus

1. The State of Bihar.
2. Smt. Anita Devi, daughter of Ram Bachan Rajak, resident of village- Telari Gopalpur, Police Station Masauri, District- Patna

.... Opposite Parties

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Appearance :
For the Petitioner/s : Mr. Mukul Prasad
For the Opposite Party/s : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 14-12-2016 Heard Sri Mukul Prasad , learned counsel for the petitioners, Sri Nand Kumar, learned Addl. Public Prosecutor as well as Sri Sunil Kumar, learned counsel, who has appeared on behalf of the complainant/Opp.Party no.2.

Two petitioners, in the present petition filed under Sections 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 11.10.2012 passed in Complaint Case No.C-495 of 2012 by the learned Sub Divisional Judicial Magistrate, Jehanabad . By the said order, after conducting enquiry, the learned Magistrate has passed order of cognizance under Section 498(A) of the Indian Penal Code and Section-4 of

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the Dowry Prohibition Act.

It appears that earlier the matter was referred to Patna High Court Mediation & Conciliation Centre for settling the dispute in between the parties. Earlier by order dated 21.07.2014, further proceeding in the court below was stayed It has been accepted by both parties that mediation has already failed. By order dated 23.07.2015, it is evident that this court had issued specific direction to petitioner no.2 to make payment of Rs.750/- per month in favour of the complainant.

Learned counsel for the complainant/Opp.Party no.2 complained that this order has not been complied with by the petitioners, whereas Sri Mukul Prasad, learned counsel for the petitioners submits that petitioner no.2 had taken steps, but due to one reason or another, the amount could not be deposited. However, he accepts that the petitioner had never approached this Court for making prayer to make amendment in the order dated 23.07.2015. Meaning thereby that specific direction for payment of Rs.750/- per month to the complainant was violated by the petitioners. As such, it appears that petitioners have not approached this Court with clean hand.

Accordingly, I do not find any ground to entertain the present petition. The petition stands dismissed.

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In view of dismissal of the present petition, interim order passed earlier in this case stands automatically vacated.

(Rakesh Kumar, J)

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