

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12331 of 2014

Arising Out of PS.Case No. -2228 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Ashok Kumar Mishra @ Phuti Mishra S/O Late Basdeo Mishra
2. Manju Mishra, W/O Ashok Kumar Mishra Both Resident Of Village-
Shikandarpur Rajoura, P.S.- Muffasil, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Amrit, D/O Nagendra Pathak, Resident Of Village- Amba, P.S.- Teghra,
District- Begusarai

.... Opposite Party/s

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with

Criminal Miscellaneous No.3039 of 2015

Arising Out of PS.Case No. -2228 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Abhishek Mishra @ Abhishek Son of Ashok Kumar Mishra @ Phuti
Mishra resident of village - Shikandarpur Rajoura, P.S. Muffasil, District -
Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrit D/o Nagendra Pathak resident of village - Amba, P.S. Teghra,
District - Begusarai

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.12331 of 2014)

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyanand Shukla (APP)

(In Cr.Misc. No.3039 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 19-11-2016 Since both these petitions have been heard together as

they arise out of same Complaint Case, are being decided and

disposed of by a common order.

2. Heard learned counsel for the petitioners, learned

APP for the State as well as learned counsel for OP

No.2/complainant.

3. Against the order of cognizance, the other family members have filed Cr.Misc. No. 12331/2014 while her husband, Abhishek Mishra @ Abhishek has filed Cr.Misc. No. 3039/2015 for quashing of the order of the cognizance dated 22.04.2013 passed by SDJM, Begusarai in connection with Complaint Case No. 2228(C)/2012 whereby and whereunder all the petitioners have been summoned to face trial for an offence punishable under Sections 498A, 323, 379/34 and $\frac{3}{4}$ of the Dowry Prohibition Act.

4. From perusal of the order dated 12.08.2015, it is evident that parties have settled their dispute and further as is evident, concluded to separate themselves and for that a sum of Rs. 4,85,000/- has been identified as the sum in lieu of full and final settlement. The aforesaid term has already been complied with at the end of petitioners and to substantiate the same, supplementary affidavit has been filed at their behalf divulging the fact that a sum of Rs. 2,85,000/- has been paid through Demand Draft No. 104551 issued by ICICI Bank, Patna while bankers Cheque No. 468024 appertaining to Rs. 2 Lacs has also been issued in favour of Amrit, O.P. No.2, wife. A specific order dated 06.10.2015 as well as 07.10. 2015 relating to Complaint Case have also been filed to substantiate the same. From perusal of the same,

it is evident that O.P. No.2 has already received the same.

5. Considering the nature of the lis inconsonance with the changed scenario which ultimately concluded in its final settlement and further perceiving litigation to be amongst inter se as well as considering the principle so decided by the Hon’ble Apex Court on this very score, the order of the cognizance is, hereby, quashed.

6. Consequent thereupon, both the petitions are allowed.

(Aditya Kumar Trivedi, J)

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