

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35690 of 2014

Arising Out of Complaint Case No. -2673 C Year- 2013 Thana -PATNA COMPLAINT CASE
District- PATNA

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Mithilesh Kumar @ Mithlesh Kumar, Son of Late Shyam Deo Ram, resident of CF-131, Barauni Refinery Township IOCL, Begusarai, P.S. Begusarai Town Thana, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Sumeeta Ranjan, Wife of Shri Mithilesh Kumar, Daughter of Dr. Raj Dharee Ranjan East Ram Krishna Nagar, P.S. & District- Patna, Bihar.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 45465 of 2014

Arising Out of Complaint Case No. -2673 C Year- 2013 Thana -PATNA COMPLAINT CASE
District- PATNA

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Mithilesh Kumar Son of Late Shyam Deo Ram, Resident of CF-131, Barauni Refinery Township IOCL, Begusarai, Police Station- Begusarai Town Thana, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Sumeeta Ranjan, Wife of Mithilesh Kumar, daughter of Dr. Raj Dhari Ranjan East Ram Krishna Nagar, P.S. & District- Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.35690 of 2014)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.45465 of 2014)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-04-2016

Heard learned counsel for the parties.

It appears that there is a typographical error in the order dated 11.04.2016 in which the next date of the case has wrongly been typed as 20th April, 2015 instead of 20th April, 2016.

Accordingly, the order dated 11.04.2016 in Cr. Misc. No. 35690 of 2014 stands modified to the extent indicated.

The Court would like to record its appreciation of the role of the learned counsel for the parties in ensuring that the petitioner and the opposite party no. 2 arrive at a settlement and part on cordial terms. Today, a joint affidavit has been filed on their behalf stating the terms of such settlement between them which are recorded hereinbelow for ready reference:

“A JOINT AFFIDAVIT ON BEHALF OF THE PETITIONER AS WELL AS OPPOSITE-PARTY NO. 2 IN THE ABOVE STATE CASE

I Mithilesh Kumar, aged about 39 years, son of Late Shyam Deo Ram, resident of C.F.-131, Barauni, Refinery, Township, I.O.C.L., P.S. Begusarai, District-Begusarai, do hereby solemnly affirm and state as follows:-

AND

I, Sumita Ranjan, aged about 27 years, daughter of Dr. Rajdhari Ranjan and wife of Sri Mithilesh Kumar, resident of Mohalla-East Ram Krishna Nagar, P.S. Ram Krishna Nagar, District- Patna, do hereby solemnly affirm and state as follows:-

1. That, we are petitioner and opposite party no. 2 respectively in this case and as such I am well acquainted with the facts and circumstances of the case.

2. That, now thereof the terms of one time full and final settlement is drawn between the parties as follows:-

I. That, both the parties have reached as one time full and final settlement. According to the terms agreed between the parties, the husband Sri Mithilesh Kumar i.e. petitioner shall pay Rs. 17,50,000/- (Rupees Seventeen Lacs Fifty Thousand only) to his wife Sumita Ranjan i.e. Opposite Party no. 2. After that no party shall have any claim about marriage

gifts and personal belongings including ornaments.

II. That, husband, Sri Mithilesh Kumar will hand over demand draft bearing No. 956377 dated 28.03.2016 of State Bank of India for an amount of Rs. 5 Lacs (Rupees Five Lacs) to his wife Smt. Sumita Ranjan through her counsel before the Hon'ble High Court. Balance amount will be handed over to wife Smt. Sumita Ranjan through her counsel in two installments vide Demand Draft in the court of Principal Judge, Patna. The second installment of amount of Rs. 3,00,000/- (Rupees Three Lacs only) shall be handed over to wife Sumita Ranjan at the time of appearing at Family Court for admission of the joint petition and the third and final installment of Rs. 9,50,000 (Rupees Nine Lacs Fifty Thousand only) shall be handed over during the examination of the spouses before Family Court, Patna.

III. That, both the parties have agreed that whatever litigations are pending between the parties, both of them shall co-operate to end the same and in future also they will not raise any dispute relating to their marriage before any authority or court.

IV. That, both the parties have agreed to pray jointly to the Hon'ble High Court to quash the Complaint Case No. 2673(C) of 2013.

V. That, the husband has undertaken that the R.C.R. Case No. 44 of 2013 shall not be pursued and shall be withdrawn.

VI. That, both the parties have agreed that they shall present a Divorce Suit on mutual consents before the Family Court, Patna and shall seek the decree of Divorce within shortest possible time, from the said Family Court.

VII. That, both the parties have agreed to present in the court of Principal Judge, Patna on each and every date to facilitate the concerned court for mutual divorce at the earliest. Both the party will file the joint petition for mutual divorce in the court of

Principal Judge, Patna within two weeks from the date of this agreement.

VIII. That, the wife will never file any case against the husband or his family members regarding this demised marriage in future.

IX. That, there is no issue out of the wedlock of the parties.

X. That, both the parties have agreed that they are finally separate and there shall be no concern with the lives of each other in future from now. They are free to live their lives as per their wishes.

3. That, the contents of this agreement have been read over and understood by the parties and put their respective signature with their free wills and volitions without force, coercion and influence from others.

Sd.
(MITHILESH KUMAR (HUSBAND)

Sd.
[SUMITA RANJAN (WIFE)]

In view of such settlement between the parties, which has been brought on record by way of a proper affidavit affirmed by both the parties, Cr. Misc. No. 35690 of 2014 having been filed seeking bail in Complaint Case No. 2673(C) of 2013, the same stands disposed off by confirming the provisional bail earlier granted by order dated 22.10.2014.

As far as Cr. Misc. No. 45465 of 2014 is concerned, the same having been filed against the cognizance taken in Complaint Case No. 2673 of 2013, in view of the settlement arrived at, with consent of the opposite party no. 2 and Clause-IV of the joint agreement detailing the settlement terms, the cognizance dated 31.10.2013 as well as the entire Complaint

Case No. 2673 of 2013 pending before the learned Judicial Magistrate, Patna stands quashed.

As the application is being disposed off in terms of the agreement between the parties, it is made clear that the petitioner shall not be liable to pay as per the interim order dated 04.12.2015 in Cr. Misc. No. 45465 of 2014 as the same has lost its effect in view of the application itself being finally disposed off.

In terms of the agreement, the petitioner hands over a demand draft bearing no. 956377 dated 28.03.2016 drawn on State Bank of India in favour of the opposite party no. 2 which is duly received by learned counsel for the opposite party no. 2 on her behalf for being handed over to her.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	