

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9913 of 2014

Arising Out of PS.Case No. -542 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Dhirendra Kumar S/O Dayanand Paswan
2. Dayanand Paswan S/O Jamuna Paswan
3. Usha Devi W/O Dayanand Paswan
4. Hema Devi D/O Dayanand Paswan
5. Raushan Kumar S/O Dayanand Paswan
All Resident Of Village - Sumatpur (Manjhauli), P.O. Manjhauli, P.S.
Salimpur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Khusbu Kumari W/O Dhirendra Kumar, D/O Sri Deonandan Paswan
At Present Resident Of Rajula, P.O. Gowasha Sheikhpura, P.S.
Pandarak, District - Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the Complainant : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Nirmala Kumari , APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-11-2016 Heard the parties.

The present application has been filed for quashing of the order dated 10.01.2014 passed by the learned Sub Divisional Judicial Magistrate, Barh (Patna) in Complaint Case No. 542(C) of 2013 whereby processes were directed to be issued after cognizance being taken for offences punishable under Section 498A of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act.

The allegation is of torture for non-fulfillment of



dowry demand. In pursuance to the earlier order notices were issued to Opposite Party No. 2. On 05.09.2014, this Court has referred the matter to the Mediation and Conciliation Centre, Patna High Court. A report dated 30.01.2015 of the Mediator has been received, enclosing a memorandum of agreement arrived at between the parties, whereby both the parties were willing to withdraw the respective cases filed against either of the parties. The said memorandum of agreement dated 28.01.2015, and the Mediator's report dated 30.01.2015 is part of the record.

In view of the Apex Court judgement in the case of Jitendra Raghuwanshi & Ors. Vs. Babita Raghuwanshi and Anr. since reported in [(2013) 4 SCC 58], Para 15 to 17; Gian Singh Vs. State of Punjab [(2012)10 SCC 303 Para 57 to 59 and 61 to 62 as well as a recent judgement in Criminal Miscellaneous No. 2217 of 2014 dated 17.11.2016 (passed by me) in the case of Niraj Sarswati @ Neeraj Sarswati Vs. the State of Bihar and others, allowing further proceedings to continue in the Court of the Magistrate may lead to unsurmountable agony, harassment and pain, not only to the accused but also to the Opposite Party No. 2 who is wife of the petitioner no. 1.

Accordingly, the impugned order dated 10.01.2014,

passed by the learned Sub Divisional Judicial Magistrate, Barh (Patna) in Complaint Case No. 542(C) of 2013 and all consequential orders passed in connection with the aforesaid police case are hereby quashed.

Since the dispute between the parties have been settled and they have no grievance against each other, both the petitioner no. 1 and opposite party no. 2 are directed to appear before the learned court below in connection with Barh P.S. Case No. 186 of 2013 and Complaint Case No. 542 (C) of 2013. The learned court below on appearance of both the parties or through their learned counsels, shall permit withdrawal of the aforesaid two cases.

With the aforesaid observations and directions, this application stands allowed.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--