

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36662 of 2013

Arising Out of PS.Case No. -571 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Sushil Nishad Son Of Sri Gulam Kewat Resident Of village- Mandakni
Road, P.S. Barba Adda, And District- Dhanbad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mina Alias Suman Wife Of Sushil Nishad, resident of Mandakni Road,
Barba Adda, P.S. Barba Adda, District- Dhanbad, At Present-
Shaukhiram Kewat, Mohalla- Gaya Road Nawada, Kewat Kutir,
Nawada, P.S. And District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha- I

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

12 11-05-2016 Heard both the sides along with learned Additional

Public Prosecutor.

Because of the fact that complaint petition no. 571 of
2010 was taken up at the end of Mina @ Suman, wife of the
petitioner putting an allegation of cruelty as well as mal-
treatment at the end of petitioner and his other family members,
the matter proceeded and now, after examination of witnesses
under Section 244 Cr.P.C, the case has been fixed for framing
of charge, at which stage, a petition of discharge was filed and
the same was rejected against which, Criminal Revision No.
81/12/08/12 was filed and the same has also been rejected vide

order dated 18.05.2013 by the Additional Sessions Judge (Adhoc)-III, Nawada and it is the said order, which has been challenged under the present petition.

It is further evident from the record that vide order dated 10.01.2014, instant petition has been admitted.

Learned respective counsels have submitted that the matter has been compromised. Both the parties are leading happy conjugal life. Furthermore, it has also been submitted that some time be granted, to enable the parties to file compromise petition before the learned lower court.

Although, Section 498A has been made non compoundable along with allied penal provisions. However, taking into account the nature of litigation, times without number, the Hon'ble Apex Court has held that so far this kind of particular cases are concerned, the same be treated under special circumstance whereupon the event of rejuvenation should not be allowed to frustrate.

Recently, in Jitendra Raghuvanshi and Others Vs. Babita Raghuvanshi and Another reported in 2013(4) SCC 58, after reiterating the finding in B.S.Joshi vs. State of Haryana reported in 2003(4) SCC 675 it has been observed in para-12 “*The special features in such matrimonial matters are evident. It*

becomes the duty of the court to encourage genuine settlements of matrimonial disputes.”, encouraged the courts including the High Court to pass appropriate order irrespective of some sort of barrier in terms of Section 320 Cr.P.C to allow restoration of cordial marital life.

Accordingly, considering the submission made on behalf of the respective learned counsels as well as further development as disclosed, it is directed that in case compromise petition is being filed before the learned lower court by the spouses, the learned lower court will proceed and decide the case in terms thereof and with the aforesaid observation, instant petition is being disposed of.

(Aditya Kumar Trivedi, J)

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