

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47857 of 2013

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Md. Abu Kalam @ Abu Kalam Son Of Abdul Hakim Resident Of Village
- Asja Janta, P.S. Baisi, District - Purnea

.... Petitioner

Versus

1. The State Of Bihar
2. Samsera Khatoon Wife Of Abul Kalam, D/O Abu Kalam Resident Of
Village - Asja Janta, P.S. Baisi, District - Purnea

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Helal Ahmad
For the Opposite Parties : Mr. Dr. Indihar Kumari(App)
For the O.P. : Mr. Dharendra Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-04-2016

Heard.

This application has been filed seeking quashing of the First Information Report of Baisi P.S.Case No.103 of 2013 registered on 02.07.2013 disclosing offence under Section 498A of the IPC. The petitioner is the husband of the informant.

It has been submitted by learned counsel for the petitioner that it was purely matrimonial dispute between the petitioner and the Opposite Party No.2 because of which the said FIR was lodged by the informant. He further submits that the parties have since entered into a compromise and the joint petition to this effect has been filed before the court of learned ACJM 2nd Purnea on 10.12.2015 by the petitioner and the informant

(Opposite Party No.2). A copy of the said compromise petition containing the terms of settlement has been brought on record by way of Annexure-1 to the supplementary affidavit filed on behalf of the petitioner, a copy of which has been served upon by learned counsel appearing on behalf of the informant. The terms of settlement are as follows:-

“That all the ill-will have been removed and good feelings have been restored between the parties.

That the informant has filed the above case due to dispute of home affairs and confusion misgiving.

That the informant Samsera Khatoon wanted to take divorce (Khula) from her husband Md. Abu Kalam. So, Md. Abu Kalam divorced her on 14.8.15 in presence of witnesses and panches and the things returned to each other and Md. Abu Kalam has paid 50,000/-Fifty thousand rupees to Samsera Khatoon as maintenance and expences of Iddat Period.

That nothing is due for paying to each and both the parties will not claim in future for any things and now the informant Samsera Khatoon is not wife of the accused Md. Abu Kalam.

That in presence of their lawyer both the parties without any pressure, threat and co-ercion without their free consent and sweet will put their signature/R.T.I. on the foot of this compromise petition and also affixed their photographs also and one Affidavit has also been prepared by Samsera Khatoon and given to Md. Abu Kalam.

It is, therefore,

P r a y e d,

That your honour may be pleased to accept this compromise petition and dispose off the case accordingly.”

Learned counsel for the informant has submitted that if the parties have entered into compromise in terms of the settlement as mentioned in supplementary affidavit, he will have

no objection if the criminal prosecution is quashed.

In the facts and circumstances of the case and in the larger interest of the two families, i.e., family of the petitioner and the informant, in the background of the fact that they entered into compromise, this application is allowed. The entire proceeding arising out of Baisi P.S.Case No.103 of 2013 is quashed exercising jurisdiction under Section 482 of the Code of Criminal Procedure.

This application is allowed.

(Chakradhari Sharan Singh, J)

B.Kr./-

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