

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13752 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

1. Md. Shahbaz Alam @ Shahbaz Alam @ Nawab son of Fakhre Alam Resident of Mohalla - Pokhariya, Ward No. 39, P.S. - Town, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farzina Praveen D/o Sajjad Hussain Resident of Gandhi Path, Ward No. 21, P.S. & District - Saharsa.

.... Opposite Party/s

with

Criminal Miscellaneous No. 52036 of 2016

Arising Out of PS.Case No. -1020 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District- BEGUSARAI

1. Md. Sarfaraj Hussain @ Sarfaraj Hussain S/o Md. Sajjad Hussain, resident of Gandhi Path, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Saba Kaushar W/o Sarfaraj Hussain D/o Md. Fakhare Alam, resident of Pokhariya, Ward No . 39, P.S- Town, District- Begusarai.

.... Opposite Party/s

with

Criminal Miscellaneous No. 53345 of 2016

Arising Out of PS.Case No. -1534 Year- 2013 Thana -SAHARSA COMPLAINT CASE District- SAHARSA

Md. Shahbaz Alam @ Sahbaz Alam @ Nawab

.... Petitioner/s

Versus

1. State of Bihar.
2. Farzeen Parween wife of Sahbaz Alam

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.13752 of 2016)

For the Petitioner/s : Mr. Sunil Kumar, Advocate
Mr. Uday Bhan Roy, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, APP



(In Cr.Misc. No.52036 of 2016)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.
Mrs. Meena Singh, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

(In Cr.Misc. No.53345 of 2016)

For the Petitioner/s : Mr. Uday Bhan Rou, Advocate.
Mr Sunil Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-12-2016

This order is being passed with the consent of the parties.

2. The facts of these cases are disturbing.

3. The petitioner Md. Shabaz Alam of Cr. Misc. No. 53345 of 2016 had married Opposite Party No. 2, (*FP*). Brother of FP namely, Sarfaraz Hussain and sister of Shabaz Alam (*SK*) married each other. Unfortunately none of the marriages could sustain. After marital discord between the couples erupted, criminal cases were instituted. Md. Shahbaz Alam is accused in Complaint Case No. 1534C of 2013 filed by *FP* in the Court of learned A.C.J.M, Saharsa whereas the Sarfaraz Hussain is an accused in Complaint Case No. 1020 of 2013 filed by *SK* in the Court of learned Chief Judicial Magistrate, Begusarai.

4. Shahbaz Alam had approached this Court for grant of Anticipatory bail by filing Criminal Misc. No. 40452 of 2014 in connection with said Complaint Case No. 1534(C) of 2014. This Court allowed Shahbaz Alam's anticipatory bail application by an



order dated 20.02.2015 but with certain conditions including that both the couples shall restore their relationship. There appears to be no dispute that before passing of the order dated 20.02.2015, marriage between Shahbaz Alam and *FP* stood dissolved under the customary law. In that background Md. Shahbaz Alam filed Cr. Misc. No.13752 of 2016 seeking modification of the order dated 20.02.2015 passed in Cr. Misc. No. 40452 of 2014, it being not permissible under the personal law by which they are governed, to restore relationship as husband and wife in the manner suggested in the order dated 20.02.2015. It also transpires that in the meanwhile, the marriage between Sarfaraz Hussain and SK also stood dissolved. *FP* had filed Misc. Case No. 02 of 2014 which is pending in the Court of Principal Judge, Family Court, Saharsa for grant of maintenance whereas *SK* has filed maintenance case registered as Case No. 111M of 2014 in the Court of learned Principal Judge, Family Court, Begusarai. The said cases for maintenance are pending. It appears that certain interim orders have been passed in the maintenance cases and payments have accordingly, been made.

5. During pendency of these cases the parties appear to have entered into a compromise through one time settlement for the purpose of finally resolving their disputes. The terms of the said compromise have been brought on record by way of Annexure A to



the counter affidavit filed on behalf of the *FP*. (in Cr. Misc. No. 13752 of 2016. In terms of the said compromise, the petitioner Md. Shahbaz Alam was required to pay a sum of Rs. 4,00,100/- to *FP* which has already been paid. In terms of the said compromise, the parties intend to get dropped all litigations pending between them before all Courts including the maintenance cases pending in the family Court of Saharsa. Accordingly, Shahbaz Alam has filed Cr. Misc. Case No. 53345 of 2016 for quashing of the proceedings arising out of Complaint Case No. 1534C of 2013 pending in the Court of learned Additional Chief Judicial Magistrate, Saharsa. Cr. Misc. No. 52036 of 2016 has been filed for quashing all the proceedings arising out of the Complaint Case No. 1020 of 2013 pending in the Court of learned Chief Judicial Magistrate, Begusarai.

6. In view of the compromise entered into between the parties as noticed above, I consider it proper in the ends of justice to exercise inherent jurisdiction available in Section 482 of the Cr.P.C by quashing all proceedings arising out of Complaint Case No. 1534 of 2013 pending in the Court of learned Additional Chief Judicial Magistrate, Saharsa and Complaint Case No. 1020 of 2013 pending in the courts below. The Cr. Misc. no. 52036 of 2016 and Cr. Misc. No. 53345 of 2016 are accordingly allowed. In view of the order passed as above, Cr. Misc. No. 13752 of 2016 has become



infructuous and is accordingly, dismissed as having become infructuous.

7. Learned senior counsel appearing on behalf of he parties have submitted in one voice that none of the parties will press maintenance cases i.e. Maintenance Case No. 02 of 2014 and Case No. 111M of 2014 pending in the Court of learned Principal Judge Family Court, Saharsa and learned Principal Judge, Family Court, Begusarai, respectively. The court expects them to act accordingly.

8. All the applications are disposed of accordingly, with the observations as above.

(Chakradhari Sharan Singh, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.01.17
Transmission Date	

