

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12534 of 2016

Arising Out of PS.Case No. -1532 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Aditya Kumar @ Aditya, Son of Jitendra Kumar Singh, Resident of Mohalla- Belahi Neelkanth, P.S. Runisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pratibha Kumari, W/o Aditya Kumar, D/o Shashi Bhushan Singh, at present residing at Alampur, P.S. Didarganj, District- Patna.

.... Opposite Party/s

with

Criminal Miscellaneous No.17160 of 2016

Arising Out of PS.Case No. -118 Year- 2014 Thana -RUNISAIDPUR District- SITAMARHI

=====

1. Sashi Bhushan Singh, son of late Harsh Narayan Singh
2. Fulmanti Devi, wife of Sashi Bhushan Singh
3. Pratima Kumari @ Pratibha Kumari, daughter of Sashi Bhushan Singh and wife of Aditya Kumar, all resident of Village Alampur, PO Kachchi Dargah, P.S. Didarganj, District Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Aditya Kumar, son of Sri Jitendra Kumar Singh, resident of Village Bilahi, Nilkanth, Runisaidpur, P.S. Runisaidpur, District Sitamarhi

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.12534 of 2016)

For the Petitioner/s : Mr. Subodh Kumar

For the Opposite Party/s : Mr. P.K.Jha(App)

(In Cr.Misc. No.17160 of 2016)

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 29-09-2016

Since both the cases have arisen out of the same dispute, they have been heard together and are being disposed of by this common order.

Both the parties are agreeable that they do not want to live with each other. It was love marriage, organized at



Mandir as per Hindu Rites accordingly they have entered into matrimonial relationship. Parents of both the parties were present to witness the marriage but they cannot live together for a long period finally separated themselves and they have also filed a case and counter case making allegation and counter allegation to each other. Girl (wife) has filed a criminal which has been registered as Complaint Case No. 1532 of 2013 making an allegation of torture and demand of dowry whereas husband has also lodged a case which has been registered as Runisaidpur P.S. Case No. 118 of 2014 against his wife making an allegation that she (Pratibha Kumari) committed theft and has taken away the ornaments and other articles from his house.

Both sides say that they want to lead a peaceful life by dissolving matrimonial life that can be done by filing an application under Section 13(b) of the Hindu Marriage Act, 1955.

Pratibha Kumari has already filed divorce case vide Matrimonial Case No.969 of 2013. If such an application is pending both parties are at liberty to file an application under section 13(b) of the Hindu Marriage Act, 1955 and if such an application is filed the court below is directed to examine the matter and try to dissolve the dispute as early as possible in terms of the aforesaid provision.

In view of the fact that both parties are not ready to live each other and they want to lead a peaceful life, both parties have agreed that there is no need to continuation of criminal proceeding as it is nothing but continuation of incarceration against both sides.

In such view of the matter, order dated 1.7.2015 passed by the Sub Divisional Judicial Magistrate, Patna City in Complaint Case No.1532 of 2013 and the order dated 20.12.2015/21.12.2015 passed by the Chief Judicial Magistrate, Sitamarhi in connection with Runisaidur P.S. Case No.118 of 2014, G.R. No.1166 of 2014, Tr. No. 1055 of 2016 are hereby quashed.

Accordingly both the applications are allowed.

(Shivaji Pandey, J)

Vinay/-

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