

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8395 of 2016

Arising Out of PS.Case No. -58 Year- 2012 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Rameshwar Bhagat Son of Late Ram Surat Bhagat,
2. Champa Devi, Wife of Rameshwar Bhagat,
3. Sandeep Bhagat, Son of Rameshwar Bhagat, All above are resident of
village - Sondhani, Police Station - Bhagwanpur Hat, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Durgawati Bhagat, Daughter of Lalan Bhagat & Wife of Pradeep
Bhagat, presently residing at Mata Baba Mandir, Kurar Village, P.S.
Kamble Chawl, Shivaji Nagar, Malad (East), Mumbai - 400097.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Satya Prakash and Rakesh Kumar

For the Opposite Party/s : Mr. R.B. Roy Raman (APP)

Mr. Binod Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 09-08-2016 An agreement-cum-compromise petition has been

filed by Durgawati Bhagat-O.P. No.2 and her husband, namely,

Pradeep Bhagat.

In the present case, allegation has been made of
torturing on account of dowry arising from Baikunthpur P.S.
Case No. 58 of 2012 and the court below took cognizance, vide
order dated 6.8.2012, for offences under sections 498(A), 406,
323/34 of the Indian Penal Code and section 3/4 of the Dowry
Prohibition Act.

O.P. No. 2 and her husband are physically present,
submitted joint affidavit showing settlement of dispute. The Court

pointedly asked the question to Durgawati Bhagat-O.P. No. 2 about the settlement of dispute between the parties which she replied in affirmation and this Court further asked whether this Court should quash the order of cognizance whereupon she has shown her affirmance for quashing the same.

Both the parties have settled the dispute outside the Court and it is basically a private matrimonial dispute, having no public repercussion.

The Hon'ble Supreme Court in case of **Shiji @ Pappu and others vs. Radhika [2012 (1) PLJR 133 (SC)]** and **State of Rajasthan vs. Rajkumar Agarwal [(2012) 8 SCC 616]** has held that when the nature of allegation is completely private and that too of a matrimonial dispute, if they have settled the dispute outside the Court, in such circumstances, it will be proper, their settlement should be accepted, otherwise continuation of the criminal proceeding will be an abuse of process of the Court.

As both the parties have filed an agreement-cum-compromise petition, are physically present and have shown their eagerness for quashing of the order of cognizance, in such view of the matter, the order of cognizance dated 6.8.2012 passed in Baikunthpur P.S. Case No. 58 of 2012 for offences under sections 498(A), 406, 323/34 of the Indian Penal Code and section 3/4 of

the Dowry Prohibition Act is hereby quashed against all the accused persons and it will be treated that no criminal proceeding is pending against them in connection with Baikunthpur P.S. Case No. 58 of 2012.

Accordingly, this petition is allowed.

(Shivaji Pandey, J)

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