

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.11 of 2015**

Arising Out of PS.Case No. -22 Year- 2014 Thana -Mahila District- KATIHAR

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1. Chinta Shah w/o Muneshwar Prasad Shah  
2. Muneshwar Prasad Shah son of Late Kari Shah  
3. Amit Shah @ Amit Kumar Shah Son of Muneshwar Prasad Shah  
All resident of 38A/10 Jyotish Roy Road, Kolkata - 53, West Bengal, Petitioner no.  
3 at present resident of 8/6 Queen's Court, Queen's Road, Colombo - 3, Srilanka.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. The Director General of Police, Bihar, Patna.  
3. D.I.G. Purnia.  
4. Superintendent of Police, Katihar.  
5. Dy. S.P. Katihar.  
6. S.H.O. cum I.O. Mahila Police Station, Katihar.  
7. Nupur Shah w/o Amit Shah d/o Nand Kishore Prasad Mandal resident of  
Mohalla Naya Tola, Ward No. 34, Police Station - Katihar, District - Katihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Adv.  
Ms Sweety Sinha, Adv.

For the Respondent/s : Mr. A.C. to G.A.7

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 27-06-2016**

In the present writ application the petitioners have  
prayed for quashing of the FIR bearing Mahila P.S.Case No. 22 of  
2014 dated 26th June, 2014 instituted under Section 498-A/34 of the  
Indian Penal Code.

2. The prosecution case, as alleged in the written report of  
Respondent No.7 submitted to the Officer-in-Charge of Mahila Police  
Station, Katihar, is that she was married to the petitioner no.3 on 28<sup>th</sup>  
June, 2009 and stayed in her *sasural* for 3-4 days only and thereafter  
resided at the place of posting of the petitioner no.3 at Mumbai and  
Colombo respectively. On 14<sup>th</sup> March, 2013, she was blessed with a



son. In September, 2013, one Rajani Jha joined in the office of the petitioner no.3 and she suspected that the petitioner no.3 was having affair with her. In October, 2013, she returned Kolkata for *Mundan* Ceremony of her son. After the said Ceremony, she was willing to visit Bihar to see her mother which was not allowed by the petitioner no.3 and thereafter he went to Colombo to join his job. He did not take any interest to get her back to Colombo. On 20<sup>th</sup> January, 2014 when she herself left for Colombo with her father, the petitioner no.3 did not become ready to keep her. Thereafter, she left Colombo on 6<sup>th</sup> February, 2014 with her father and came back to India.

3. Mr. Rajendra Narayan, learned Senior Counsel for the petitioners, has submitted that no occurrence, as alleged, ever took place. Little matrimonial skirmishes resulted into the confusion and institution of a criminal case in which not only the husband of the informant but the father-in-law and brother-in-law of the informant have also been arrayed as accused. He has submitted that the parties have pondered over their defaults and have terminated their disputes amicably by mutual agreement instead of fighting it up in a court of law. He has contended that good senses have prevailed between the parties and the Respondent No.7 Nupur Shah (informant) along with her son, namely, Shah Arnav has reached at Mexico to join the petitioner no.3 on 29<sup>th</sup> December, 2015. The son Shah Arnav has already been admitted to a school in Mexico.

4. Mr. Abinash Kumar, learned counsel appearing for the Respondent No.7 has supported the submissions advanced by the learned counsel for the petitioners. He has submitted that since there is a bonafide and genuine settlement of matrimonial dispute and the Respondent No.7 is happily residing with her husband and is leading a happy conjugal life, the ends of justice requires that the impugned FIR be quashed.

5. A supplementary counter affidavit, duly sworn by Nand Kishore Prasad Mandal, father of Respondent No.7, has also been filed on behalf of the Respondent No.7. Paragraph no.2 of the aforesaid supplementary counter affidavit reads as under :-

“That due to intervention of this Hon’ble Court and well-wishers, good friends and close relatives of the parties the dispute between the parties have already been amicably settled and the Respondent No.7 along with her child are living happily, without any complaint at Mexico with the petitioner no.3 since 29.12.2015 where he is in service.”

6. In view of the aforesaid submissions made by the learned counsel for the petitioners and learned counsel for the Respondent No.7, learned counsel for the State concedes that the investigation of the criminal case any more would be of no consequence as the parties have amicably resolved their dispute.

7. I have heard the respective counsel for the parties and perused the record.

8. Keeping in mind the nature of the offence, the submissions made by the respective counsel for the parties and the decisions of the Hon'ble Supreme Court in the matters of ***B.S.Joshi & Ors. Vs. State of Haryana & Anr. [(2003) 4 SCC 675]***, ***Gian Singh Vs. State of Punjab [(2010) 15 SCC 118]*** and ***Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr. [(2013) 4 SCC 58]***, I am of the view that allowing the investigation to continue may lead to insurmountable harassment, agony and pain not only to the accused but also to the informant. It may even spoil the matrimonial life of the couple which could be saved due to intervention of friends and well wishers.

9. Accordingly, the FIR of Mahila P.S.Case No. 22 of 2014 dated 26<sup>th</sup> June, 2014 instituted under Section 498-A/34 of the IPC and all the proceedings emanating therefrom are hereby quashed.

10. The application stands allowed.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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