

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18389 of 2014

Arising Out of PS.Case No. -86 Year- 2012 Thana -ISHAKCHAK District- BHAGALPUR

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1. Dr. Pravin Kumar, S/o Jagat Ram Singh.
 2. Shanti Devi, Wife of Jagat Ram Singh.
 3. Jagat Ram Singh @ Jagat Ram, Son of Late Ram Ratan Singh.
All 1 to 3 are resident of village- Poraiya, PS- Shambhuganj, District- Banka.
 4. Indu Devi @ Indu Sinha, Wife of Shawtab Chandrasen.
 5. Shawtab Chandrahasan @ S.K. Chandrahasan @ Shwtab Chandrasan @ Adhirlal Singh, S/o Mahendru Mandal.
Both 4 and 5 are resident of village- Ghanshyam Chak, P.S- Sanhoula, District- Bhagalpur.
 6. Nirmala Devi @ Pritish Chandra, W/o Nirbhay Kumar.
 7. Nirbhay Kumar, Son of Parsuram Singh.
Both 6 to 7 are resident of village- Nirpur, P.S- Bariyarpur, District- Munger.

.... Petitioners.

Versus

1. The State of Bihar.
2. Dr. Angika Nidhi, D/o Sri Bijay Kumar Singh, R/o Village-Ishaque Chak Gumti No. 12, Shital Asthan Road, P.S- Ishaqchak, Bhagalpur.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Indeshwari Prasad Mandal, Advocate.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

For O.P. No.2 : Mr. Aditya Nath Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 06-02-2017

Heard the parties.

2. This application, filed on behalf of the petitioners, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 25.10.2013 passed in Ishakchak P.S. Case No.86 of 2012 by the court of the Sub Divisional Judicial Magistrate, Bhagalpur, taking cognizance of the offence under Section 498(A) of the Indian



Penal Code and Sections 3/4 of the Dowry Prohibition Act against the petitioners.

3. Learned counsel appearing on behalf of the petitioners submits that vide order dated 24.06.2015 passed by a Bench of this Court, the parties were directed to appear before the court below and file an application under Section 13B of Hindu Marriage Act within a period of six weeks from the date of receipt of that order, with further direction that on the 1st day of motion, the petitioner no.1 shall pay a sum of Rs.1,00,000/- by way of Demand Draft to the Opposite Party No.2. On the final day of motion, the petitioner no.1 shall produce a certificate that he has paid the entire amount of six lacs upon which a decree of divorce shall be passed by the Court below expeditiously considering the categorical statement of the parties. In the meantime, the petitioner no.1 shall send all the articles of the opposite party no.2 to her residence by Packers and Movers. In compliance of the aforesaid order dated 24.06.2015 passed by a Bench of this Court, Divorce Case No.276 of 2015 was filed by the petitioner no.1 and the opposite party no.2 under Section 13(B) of the Hindu Marriage Act in the court of the Principal Judge, Family Court, Bhagalpur, whereafter, on the payment of Rs.6,00,000/- to the opposite party no.2 by the petitioner, the aforesaid Divorce Case No.276 of 2015 was decreed on mutual consent on 16.06.2016, which would appear from Annexure-



‘5’ to the supplementary affidavit filed on behalf of the petitioners and now, none of the parties has any grievance. As such, this application may be allowed.

4. Learned counsel for the opposite party no.2 submits that in view of the order dated 24.06.2015 passed by this Court, the opposite party no.2 has received Rs.6,00,000/- and Divorce Case No.276 of 2015 filed by the petitioner no.1 and the opposite party no.2 on mutual consent has also been allowed vide order dated 30.05.2016 by the Principal Judge, Family Court, Bhagalpur, and opposite party no.2 has no grievance and she does not want to proceed with Ishakchak P.S. Case No.86 of 2012 in which the cognizance of the offence has been taken against the accused-petitioners under Sections 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act through the impugned order.

5. Since the petitioner no.1 and the opposite party no.2 have settled their matrimonial dispute and also got the decree of divorce on mutual consent in the light of the order dated 24.06.2015 passed by this Court, therefore, continuance of further proceedings against the accused-petitioners of Ishakchak P.S. Case No.86 of 2012 registered under Sections 323, 498-A and 504/34 of the Indian Penal Code would be futile exercise.

6. Accordingly, the impugned order dated 25.10.2013



passed in Ishakchak P.S. Case No.86 of 2012 by the court of the Sub
Divisional Judicial Magistrate, Bhagalpur, taking cognizance of the
offence under Section 498(A) of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act against the petitioners, is hereby
quashed and this application is allowed.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.02.2017
Transmission Date	08.02.2017

