

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47429 of 2013

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1. Nagendra Singh S/O Dayanand Singh @ Jhuman Singh Resident Of Village- Kasiya, P.S.- Dumraon, District- Buxar.
 2. Santosh Singh S/O Dayanand Singh @ Jhuman Singh Resident Of Village- Kasiya, P.S.- Dumraon, District- Buxar.
 3. Dayanand Singh @ Jhuman Singh S/O Late Bhuneshwar Singh Resident Of Village- Kasiya, P.S.- Dumraon, District- Buxar.
 4. Parvati Devi W/O Dayanand Singh @ Jhuman Singh Resident Of Village- Kasiya, P.S.- Dumraon, District- Buxar.
 5. Sunil Singh S/O Sharma Singh Resident Of Village-Kantkanar, P.S.- Nawanagar, District- Buxar.
 6. Phul Kumari W/O Sunil Singh Resident Of Village-Kantkanar, P.S.- Nawanagar, District- Buxar.

.... Petitioners

Versus

1. The State Of Bihar
2. Dewanti Devi Daughter Of Late Badri Singh, W/O Nagendra Singh Resident Of Village- Roopsagar, P.S.-Nawanagar, District- Buxar.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Arun Kumar Gupta, Advocate.
For the State : Dr.Indiwar Kumari (APP)
For the O.P. No.2 : Mr. Anil Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 19-05-2017 Supplementary affidavit has been filed on behalf of the petitioners, stating therein, that the matter has been compromised as per the terms and condition of the learned Mediator. The petitioner no.3 Dayanand Singh @ Jhuman Singh has already executed the sale deed dated 11.05.2017 regarding the land bearing Khata No. 925, Plot No. 106 B, Mauza- Mathiya, Thana- Koransarai, Area- 0.31¼ dismals in favour of the opposite party no.2 and the sons of the opposite party no.2, namely,



Chandan Kumar and Kundan Kumar. The marriage of daughter of petitioner no.1 and the opposite party no.2 was also solemnized and the petitioner has given assistance in the marriage and as such in view of the aforesaid facts the impugned order is liable to be quashed by this Hon'ble Court. Let it be kept on the record.

Heard the learned counsel for the petitioners, the learned A.P.P. for the State and the learned counsel for the opposite party no.2.

The instant Criminal Miscellaneous has been filed for quashing the order dated 24.09.2012 passed in Complaint Case No. 275 (C) of 2012, Trial No. 1446 of 2013 by the Sub. Divisional Judicial Magistrate, Buxar, whereby and whereunder, after finding prima-facie case to be made out under section 498 A of the I.P.C. and section 4 of the Dowry Prohibition Act, the petitioners have been ordered to be summoned.

By the order dated 14.10.2014 the matter was referred to the Mediation Centre, Patna High Court Patna and the learned Mediator has submitted his report and as per the terms and condition the case has been compromised. Now after execution of the sale deed, the terms and the condition has been fulfilled and as such the opposite party no.2 has to withdraw the complaint case. The learned counsel for the opposite party no.2 submits that the



best course would be to quash the impugned order in terms of the compromise arrived at between the parties.

As the matter has already been settled between the parties and the opposite party no.2 does not want to proceed with the complaint case and as such the order dated 24.09.2012 passed in Complaint Case No. 275 (C) of 2012, Trial No. 1446 of 2013 by the Sub. Divisional Judicial Magistrate, Buxar is hereby quashed and consequently the entire criminal proceeding stands quashed.

In the result, this Criminal Miscellaneous is allowed.

(Jitendra Mohan Sharma, J)

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