

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30945 of 2014

Arising Out of PS.Case No. -227 Year- 2013 Thana -MUZFFARPUR
COMPLAINT CASE District- MUZAFFARPUR

- =====
1. Anil Kumar Barnwal Son of Late Baijnath Prasad
 2. Khushboo Barnwal daughter of Sri Anil Kumar Barnwal
 3. Abhinay Barnwal Son of Sri Anil Kumar Barnwal
 4. Indu Barnwal Wife of Sri Anil Kumar Barnwal
 5. Abhijeet Barnwal Son of Sri Anil Kumar Barnwal All R/o mohalla- Gorulpar
Nai Basti House No.- 230/2 Ward No.-14, P.O. + P.S.- Deoria, Dist.- Deoria
(U.P.)
- Petitioners

Versus

1. The State of Bihar
 2. Akshat Sri Prakash Son of Prof. Sri Prakash Resident of Mohalla- Daudpur
Kothi, Gali No.- 03, Post M.I.T., P.S.- Brahampura, District- Muzaffarpur
- Opposite Parties

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Appearance :

For the Petitioner : Mr. Naresh Prasad, Advocate

For the Opposite Parties : Anuradha Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-08-2017

Learned counsel for the petitioners and the opposite parties
are present.

It is submitted on behalf of the opposite parties that they
have already filed a petition before the court concerned stating therein
that they do not want to proceed in the matter arising out of the
Complaint Case No.227 of 2013.

The instant case arises out of some matrimonial dispute.
Parties have also placed on record the order dated 06.09.2016, passed
in Matrimonial Case No. 26 of 2013, whereby the court of the learned
Principal Judge, Family Court, Muzaffarpur has recorded that one



time settlement has been jointly accepted by the parties. Further, the direction has been issued to the office to prepare the decree of divorce in the said matrimonial case.

The parties have amicably settled their matrimonial dispute and are now pursuing the life peacefully and independently. It is jointly stated that the proceeding pending between them in the court below would not serve any purpose. Having submitted as aforesaid, learned counsel for the petitioner also placed reliance on the judgment rendered in case of **Jitendra Raghuvanshi and others Vs. Babita Raghuvanshi and another**, reported in **2013(2) PLJR (SC) 312**, wherein in view of settlement of such disputes arising out of matrimonial discord, the Hon'ble Supreme Court has held that section 320 of the Code of Criminal Procedure would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

Having considered the aforesaid submissions, the entire proceedings arising out of the Complaint Case No.227 of 2013, Trial No. 2094 of 2014 pending in the Court of Sri Rakesh Kumar, Judicial Magistrate, 1st Class, Muzaffarpur, is hereby quashed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.8.2017
Transmission Date	11.8.2017

