

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44850 of 2014

Arising Out of PS.Case No. -655 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sheorati Devi, W/o Sunil Rabbani
2. Shambhu Rabbani @ Shambhu Kumar
3. Sabera Kumari
Both Son and daughter of Sunil Rabbani R/o village- Nayatola Simri, P.S. and
P.O.- Bakhtiyarpur and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi W/o Akhlesh Rabani and Daughter of Ram Chritra Ram resident of
village- Mode, P.S.- Mokamah and Distt.- Patna

.... Opposite Party/s

with

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Criminal Miscellaneous No. 1648 of 2015

Arising Out of PS.Case No. -655 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Akhilesh Rabbani, Son of Bhikhari Mahto, Resident of Village - Naya Tola Simri,
P.S and P.O- Bakhtiyarpur and District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi Wife of Akhlesh Rabani and daughter of Ram Chritra Ram Resident
of village- Mode, P.S- Mokamah and District - Patna

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.44850 of 2014)

For the Petitioner/s : Mr. Md. Abu Haidar, Adv.

For the Opposite Party no.1: Mr.Tapeshwar Sharma, APP.

(In Cr.Misc. No.1648 of 2015)

For the Petitioner/s : Mr. Md. Abu Haidar, Adv.

For the Opposite Party no.1 : Mr. Sanjay Kumar Tiwray-1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 10-10-2017

Learned counsel for the petitioners, at the outset,



submits that the parties have now settled their dispute and wife and husband are living together.

The petitioners are seeking quashing of the order dated 17.01.2017 passed by learned S.D.J.M., Barh in Complaint Case No.655(C) of 2013 by which the learned S.D.J.M. has taken cognizance of the offence under Section 498A of the Indian Penal Code and issued summons against the petitioners.

Learned counsel submits that in Cr.Misc.No.44850 of 2014 the petitioner no.1 is the mother-in-law, petitioner no.2 is the Devar and petitioner no.3 is Nanad of the opposite party no.2, whereas in Cr.Misc. No.1648 of 2015 the petitioner is the husband of the opposite party no.2.

Since the quashing of the criminal proceeding has been sought at this stage on the ground of a compromise and settlement between the wife and husband and it is stated that the matrimonial peace has already been taken place, in absence of the opposite party no.2 instead of interfering with the order taking cognizance, this Court is of the opinion that let the learned Magistrate fix the complaint case for evidence before charge if the parties have already appeared and take up the matter on day-to-day basis where the parties shall cooperate in final disposal of the complaint case itself.

Both the applications are disposed off with the



observations and directions made above.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.10.2017
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