

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45976 of 2014

Arising Out of PS.Case No. -217 Year- 2013 Thana -BEUR District- PATNA

=====

1. Most. Sushila Devi @ Sushila Devi, W/o Late Basudev Prasad, resident of Quarter No. 303/800, P.S. Shastrinagar, District - Patna

2. Pummy @ Pummy Kumari @ Pammi Devi, D/o Late Basudev Prasad, resident of Quarter No. 303/800, P.S. Shastrinagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Shalini, D/o Sri Shiv Narayan Prasad, resident of Mohalla - Indrapuri Sipara, P.S. Beur, District - Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 10-10-2017

Heard learned counsel for the petitioner.

Although the opposite party no.2 has entered appearance in the present case through her advocate, but for obvious reason she is not taking interest in the present case.

It appears that by virtue of the order dated 23.04.2015 mediation took place between the parties in the Mediation Centre of this Court where they have executed a memorandum of agreement. A duly signed copy of the memorandum of agreement is kept on the record from which it appears that the opposite party no.2 has received a sum of Rs.2,50,000/- in full and final settlement of her claim towards the matrimonial obligations of her husband and also



specifically agreed in paragraph 8 as under:-

“That, both the parties are agreed to close all their matrimonial and Criminal/Civil cases relating to their marriage. Therefore, all the cases in regard to the matrimonial matter are ended w.e.f. 20.08.2015.”

No one has appeared to oppose the application on behalf of the opposite party no.2.

The petitioners are mother-in-law and sister-in-law respectively of the opposite party no.2 and they were made accused in the present case only because of their relationship and in the present circumstance when the parties have already settled their dispute, in the opinion of this Court, continuation of the prosecution against the petitioners would only an abuse of the process of the Court. This Court is convinced that the order refusing discharge against the petitioners is fit to be set aside in the interest of justice and is accordingly set aside.

The application stands allowed to the extent indicated above.

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	14.10.2017
Transmission Date	14.10.2017

