

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23852 of 2017

Arising Out of PS.Case No. -998 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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SADAQUAT ALAM @ MD. SADAQUAT ALAM son of Md. Abbash
Quarashi resident of village - Khusdihra, P.O. - Shankarpur Imamganj, P.S.
- Khirimore, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sahina Parween wife of Sadaquat Alam (daughter of Md. Basirul Haque) presently resident of Mohalla - Shahganj, P.S. Sultanganj, District - Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mahboob Ashraf, Advocate.
For the State : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 15-12-2017 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) of the IPC and 3/4 of
the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

Vide order dated 01.08.2017, the matter was referred
to the Patna High Court Mediation Centre. As per the report of the



Mediator, the matter has been settled between the parties.

The following are the terms and conditions of the settlement between the parties:-

“Patna High Court Mediation Centre
Mediation Proceeding No.769 of 2017
Memorandum of Agreement
(Arising out of Cr. Misc. No. 23852 of 2017)

An agreement made on 12.12.2017 at the High Court Patna Mediation Centre between

Sadaquat Alam@ Md. Sadaquat Alam, Son of Md. Abbash Quarashi, resident of Village- Khusdihra, P.O. Shankarpur Imamganj, P.S. Khirimore, District- Patna.... ..(First Party).

And

Sahina Parween, wife of Sadaquat Alam, daughter of Md. Basirul Haque, presently resident of Mohalla-Shahaganj, P.S. Sultanganj, District-Patna..... ..(Second Party).

Both the parties came to the amicable settlement on the following terms and conditions:-

1. Both the parties (the petitioner) namely Sadaquat Alam and wife namely Sahida Parween decided to live separately and the marriage was never consummated.
2. Both the parties came to the amicable settlement on total of one time full and final settlement amount of Rs. 5,50,000/- (Rupees Five Lakh Fifty Thousand Only) paid in the form of one Bank Draft of Rs. 5,50,000/- (Rupees Five Lakh Fifty Thousand) bearing Demand Draft No. 244562 dated 27.11.2017 payable at Punjab National Bank, Patna.
3. Two Fixed Deposits of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) each has been made by the opposite party no. 2 in favour of both daughter namely Saima Parween and Sakira Parween from the amount paid to the petitioner of Rs.5,50,000/- (Rupees Five Lakh Fifty Thousand) as agreed between the parties.
4. Both the parties will withdraw Maintenance Case No. 45(M) of 2017 pending in the Court of Principal Judge, Family Court, Patna, as well as Complaint Case No. 998 of



2015 pending in the court of A.C.J.M.-V, Patna City, and Title Suit No. 01 of 2017 (Divorce Case) pending in the court of Principal Judge, Family Court, Patna.

5. The parties have taken back of the goods given at the time of marriage and for the same the list of received items is attached with this report (Enclosure herewith) dated 29.11.2017 and Passion Pro Motorcycle bearing Registration No. BR-01-AU-3521.
6. In the aforesaid terms and conditions settlement, the boy Sadaquat Alam and girl (Sahina Parween) be separate to each other.
7. That now there remains no claim of any type with regard to matrimonial matter by the opposite party no. 2 against the petitioner.
8. That the above contents of the agreement have been read over and explained to us in Hindi which we have fully understood and accepted the same.
9. That in the above terms and conditions, a settlement has been arrived at between the parties and both have signed in presence of their learned counsel, who have also put their signature on this agreement.

Sd/-(Sadakat Alam)
(Sadakat Alam)
Signature of the petitioner
Date-12.12.2017

Witness brother
Sd/-(Md. Sakhawat Husain)
(1) Md. Sakhawat Husain

Sd/-(Makbool Ashraf)
Signature of the petitioner
A.O.R. No. 06405
Date-12.12.2017

Sd/-(Shahina Parween)
(Sahina Parween)
Signature of the opposite
party no. 2
Date-12.12.2017

Witness brother
Sd/- (Jasim Ahmad)
(Md. Jasimuddin)

Sd/- (Gautam Kumar Yadav)
Signature of the Opposite
Party No. 2, Advocate
A.O.R. No. 3295
Date 12.12.2017

Considering the fact that the parties have settled the dispute, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six



weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.—5, Patna City, in connection with Complaint Case No. CA 998 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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(Sudhir Singh, J)

