

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38635 of 2012

Arising Out of PS.Case No. -1304 Year- 2011 Thana -null District- PATNA

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1. Rakesh Shrivastava, son of Gopal Shrivastava
 2. Anupam Shrivastava, wife of Rakesh Shrivastava
Both residents of 104, faculty Quarters, Goa Institute of Management, P.O.-
Sanquelim Outpost, District Goa- 403505. Petitioners
- Versus
1. State of Bihar
 2. Tarkeshwar Prasad Sinha, Resident of Mohalla- Ram Nagari, Sector 3,
Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna
.... Opposite Parties
- with

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Criminal Miscellaneous No. 15008 of 2013

Arising Out of PS.Case No. -1304 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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Akshat Rakesh Shrivastava, S/O Rakesh Srivastava. C/o Prof. Rakesh Srivastava,
104, Faculty Quarters, Goa Institute Of Management, P.O.- Sanquelim, P.S.-
Sanquelim Outpost, District- Goa- 403505, Presently Residing At 39 Duncan Ave,
Apt 7h, Jersey City, Nj, 07304, U.S.A.

- Petitioner
- Versus
1. The State Of Bihar
 2. Tarkeshwar Prasad Sinha, S/o Late Rajhansh Narayan Sinha, Resident of
Mohalla- Ram Nagari, Sector 3, Ashiyana Nagar, P.S.- Rajiv Nagar, District-
Patna
.... Opposite Parties

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Appearance :

In Cr.Misc. No.38635 of 2012 and Cr.Misc. No.15008 of 2013

For the Petitioners : Mr. Mr. Savendra Kumar Verma, Advocate
Mr. Jai Vardhan Narayan, Advocate
Miss. Pooja Srivastava, Advocate

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT

Date: 10-10-2017

Both the criminal miscellaneous are of the same case



and, as such, have been heard together and are being disposed of by this common order.

Heard Mr. Sarvendra Kumar Verma, learned counsel for the petitioners. No body appears on behalf of opposite party no.2.

Mr. Sarvendra Kumar Verma, learned counsel for the petitioners submits that marriage between Akshat Rakesh Shrivastava, petitioner of Cr. Misc. No. 15008 of 2013, was effected with the daughter of the complainant, who was his batch-mate in the College. Later, the relationship between the spouses became bad due to various reasons and marriage went out of tracks. Husband and the wife are both residing in United States and marriage has been dissolved by decree of divorce on the basis of one time settlement. The husband Akshat Rakesh Shrivastava had paid a sum of \$ 58,591 (i.e. about Rs. 29 lacs and odds) to the daughter of the complainant and the marriage has been dissolved. The daughter of the complainant has also married there and the petitioner Akshat Rakesh Shrivastava has also married there. Both are living peacefully and, as such, the opposite party no. 2 is not taking any interest in pursuing these criminal miscellaneous, further continuation of the criminal proceeding i.e. the complaint case will be misuse of the process of the court and wastage of the court's time. Judgment of divorce, property settlement agreement



have been annexed with the petition of criminal miscellaneous as Annexures 3 and 4. The amount paid i.e. 58,591 dollar, the copy of which is annexed as Annexure-5 and, as such, these criminal miscellaneous should be allowed and the impugned order dated 28.04.2012 passed by learned S.D.J.M., Patna in Complaint Case No. 1304 (C) of 2011 should be quashed.

Considering the submissions of learned counsel for the petitioners and after going through the record, it is manifest that the petitioner Akshat Rakesh Srivastava and the daughter of the complainant were studying in same institution resulting, love affair between them and both married on 22.04.2009 as per Hindu Rituals, but due to some reasons the marriage did not continue longer and ultimately divorce case was filed by the petitioner Akshat Rakesh Srivastava and the father of Deepti Nanda filed the complaint case wherein after considering the statement of the complainant on solemn affirmation and the statement of inquiry witnesses impugned order dated 28.04.2012 has been passed. Now, the situation has changed and both husband and wife are living peacefully in U.S.A. and the marriage has been dissolved by a decree of divorce by way of onetime settlement. Pursuant to such statement and amount of Rs. 29 lacs and odd has been paid to the daughter of the complainant and now the daughter of the



complainant has got no grievance against the petitioners and in such condition the continuation of the Complaint Case No. 1304(C) of 2011 will be the misuse of the process of the law and wastage of the Court's time.

In the result, the impugned order dated 28.04.2012 passed in Complaint Case No. 1304 (C) of 2011 is hereby quashed. Consequently, the entire Complaint Case No. 1304 (C) of 2011 stands quashed and these criminal miscellaneous are hereby allowed.

(Jitendra Mohan Sharma, J.)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.10.2017
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