

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16495 of 2014

Arising Out of PS.Case No. -874 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Mukhtar Ansari @ Mukhtar Ahmad, son of Alibux Ansari,
 2. Azizan Khatoon @ Azizan Begam, wife of Alibux Ansari,
 3. Anwar Ansari @ Anwar Ahmad, son of Alibux Ansari,
 4. Ekbal Ansari @ Ekbal Ahmad, son of Alibux Ansari, &
 5. Samim Jehan, wife of Anwar Ansari, all resident of Mohalla- Shivpuri (Urai),
P.S.- Urai, District- Jaloun (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Noorjehan, wife of Mukhtar Ansari, daughter of Lal Mohammad, resident of
Mohalla- Shivpuri (Urai), P.S.- Urai, District- Jaloun (U.P.), presently residing
with her maternal uncle namely Ashgar Ansari, resident of Pathak Bigaha, P.S.
Karpi, District Urai (U.P.).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. J. K. Giri, Advocate
For the Opposite Party/s : Mr. APP
Mr. Nawal Kishore Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 28-06-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 15.11.2013/16.11.2013 passed by the Judicial Magistrate, 1st class, Jehanabad, in Complaint Case No.874 of 2012 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners under Section 498-A/34 Indian Penal Code.

2. From the impugned order, it appears that the Court below on the basis of Solemn Affirmation of the complainant and the statement of four witnesses recorded during enquiry has found *prima face* case against the petitioners for the offence under Section(s) 498-A/34 Indian Penal Code.



3. At the time of taking cognizance, the learned Magistrate is required only to see prima facie case against the accused persons.

4. Counsel for the petitioners has submitted that matter has been amicably settled between the parties and they are living together.

5. This Court is of the view that arriving at amicable settlement will not make the impugned order illegal.

6. In such circumstances, this Court does not find any illegality in the impugned order passed by the learned Court below.

7. Accordingly, the application is dismissed.

8. The Court below will expedite the trial in accordance with law in the event the parties have arrived at amicable settlement.

9. Parties are also directed to file appropriate application in the Court below for early disposal of the case in the event they have compromised the matter.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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