

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15885 of 2014

Arising Out of PS. Case No.-2093 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravish Kumar Patel Son of Late Bhuneshwar Prasad Mandal resident of
Village- Kantpur, Nauwagarhi, Police Station- Naya Ram Nagar, Post Office-
Nauwagarhi, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sadhana Kumari Wife Of Sri Ravish Kumar Patel And Daughter Of Sri Jaikant Sharma Resident Of Moalla- House No. 16, Sumitra Sadan, Mansh Marg, Shivpuri, P.O+ P.S- Shastri Nagar, District- Patna.

... .. Opposite Party/s

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Criminal Miscellaneous No. 17643 of 2014

Arising Out of PS. Case No.-2093 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravish Kumar Patel S/o Late Bhuneshwar Prasad Mandal Resident of Village
Kantpur, Nauwagarhi, Police Station Naya Ram Nagar, Post Office
Nauwagarhi, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sadhana Kumari W/o Sri Ravish Kumar Patel and D/o Sri Jaikant Sharma Resident of Mohalla House No. 16, Sumitra Sadan, Manash Marg, Shivpuri, P.O. + P.S. Shastri Nagar, District Patna.

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 15885 of 2014)

For the Petitioner/s : Mr. Pramod Rajpati
Smt. Durga Kumari

For the Opposite Party/s : Mr. Prafull chandra Thakur
Mr. Dinesh Choudhary, Advcoates

For the State : Mr. Anuj Kumar Srivastava &
Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 22-09-2017

Heard learned counsels for the parties.

Petitioner, by means of this application under



section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 19.12.2013, passed by Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2093 (C) of 2013, whereby cognizance against the petitioner for the offence under sections 498A of the Indian Penal code and sections 3/4 of the Dowry Prohibition Act has been taken.

Facts of the case, in short, is that petitioner and complainant were in love with each other. They solemnized marriage at Mahabir Mandir Bekapur, Munger on 28.04.2012. They got their marriage registered on 29.04.2012 and started living as husband and wife. But the family members of the complainant were angry due to inter-caste marriage. After some time, complainant went to her Naihar and thereafter she was not allowed to come to the house of the petitioner. Petitioner filed a petition under section 9 of Hindu Marriage Act for restitution of conjugal life vide Matrimonial Case No. 1082 of 2013. Complainant did not appear and the case was heard ex parte and decreed by judgment date 20.02.2014. Thereafter, the present complaint case has been lodged by the complainant.

Vide order dated 03.11.2014 the matter was referred to the Patna High Court Mediation and Conciliation



Centre for settlement of the dispute. Mediation Report is at Flag 'B'. Perusal of the same shows that parties have settled their differences and are ready to live together as husband and wife.

Learned counsel for the parties submits that parties are living together as husband and wife and they do not want to proceed further in the matter.

From perusal of the materials available on record and the submissions made about, it is evident that the matter has been settled between the parties and they are living together happily. The Hon'ble Supreme Court in the case of ***Gian Singh Versus State of U.P.*** reported in ***(2012) 10 Supreme Court Cases 303*** has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to the Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to a heinous offence, the proceedings may be quashed.

In view of the above, the present application is allowed and the entire proceeding including the order taking cognizance dated 19.12.2013, passed by Judicial Magistrate, 1st



Class, Patna in Complaint Case No. 2093 (C) of 2013 is, hereby
quashed.

Petitioner was granted provisional bail vide order
dated 01.05.2017 passed in Cr. Misc. No. 176 of 2014. The
same is, hereby confirmed.

Both the criminal miscellaneous applications stand
disposed of.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	19.07.2017
Uploading Date	22.09.2017
Transmission Date	22.09.2017

