

1. Shamsul Haque Abdul Rahman Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi
2. Abdul Kadir Khan Shamsul Haque Khan Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi
3. Abdul Rajik Khan Shamsul Haque Khan Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi
4. Hamid Raja Khan Shamsul Haque Khan Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi
5. Lal Bibi W/O Shamsul Haque Khan Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi
6. Raushan Khatoon W/O Hamid Raja Khan @ Hamid Raja Pupari Rajbag, P.S. Pupari, Distt. Sitamarhi

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Mahendra Thakur
For the Opposite Party/s : Mr. Satyendra Pd.(App)

17 05-05-2017 The instant criminal miscellaneous has been filed for quashing the order dated 02.08.2010 passed by S.D.J.M., Pupri at Sitamarhi in Complaint Case No. C-1/115 of 2010 whereby and whereunder, cognizance has been taken for the offence under Section 498(A) of the Indian Penal Code against the petitioners and husband of the complainant.

Heard the learned counsel for the petitioners and learned counsel for the State. No body is present on behalf of O.P.



No. 2.

At the very out set, it has been submitted that between the complainant and her husband, compromise has arrived at and both are living happily together, vide annexure 1/1 to the supplementary affidavit. It is also submitted that considering this fact, the petitioners were allowed pre-arrest bail vide Criminal Miscellaneous No. 12214 of 2011 and, as such, in that view of the matter continuation of the proceeding against the petitioners, who are the relative of the husband of the complainant, will be sheer misuse of the process of law. There was a dispute with regard to partition of the property for which a proceeding under Section 107 Cr.P.C. was lodged between the parties and, as such, the order taking cognizance is fit to be quashed. The petitioner no. 1 is the father-in-law, petitioner no. 2 is *Bhaisur*, petitioner nos. 3 and 4 are *Devar*, petitioner no. 5 is mother-in-law and petitioner no. 6 is *Gotni* of O.P. No. 2.

Learned A.P.P. submits that the complainant and her husband had compromised the case but there is no compromise with the petitioners.

In the facts and circumstances stated above considering that the complainant is residing in her in-laws house happily with her husband, which is evident from Annexure 1/1 to the



supplementary affidavit wherein the complainant has mentioned that she does not want to proceed with this case. On this ground the order dated 02.08.2010 passed by S.D.J.M., Pupri in Sitamarhi in Complaint Case No. C-1/115 of 2010 and further proceeding of the complaint case are hereby quashed.

This criminal miscellaneous application is hereby allowed.

(Jitendra Mohan Sharma, J)

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