

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20613 of 2015

Arising Out of PS.Case No. -1221 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Nishant Tandon son of Late Ashok Tandon, resident of House No. 572, Ground Floor, Sector - 4, Vaishali, District - Gaziabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Nupur Tandon wife of Nishant Tandon, daughter of Sri Rakesh Kumar Tandon, resident of Ram Bux Lane, Chowk, P.S. Chowk, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Opposite PartyNo.2 : Mr. S.N.P.Sinha, Sr. Advocate
: Ms. Rashmi Bharti, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-09-2017

Heard Mr. Prakash Chandra Agrawal, learned Advocate for the petitioner and Mr. S.N.P. Sinha, learned Senior Advocate for opposite party no.2.

2. The present application under Section 482 of the Code of Criminal Procedure (for short 'the CrPC') has been filed by the petitioner for quashing the order dated 24.04.2013 by which the learned Sub Divisional Judicial Magistrate, Patna City, Patna has taken cognizance of the offences punishable under Section 498A of the Indian Penal Code (for short 'the IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961(for short 'D.P.Act, 1961')

3. It is submitted by Mr. Prakash Chandra Agrawal, learned counsel for the petitioner that during the pendency of the present



application all the misunderstanding and the dispute between the parties have been amicably settled outside the court. He has submitted that a joint compromise petition has also been filed by the parties in the present application, vide I.A. No.997 of 2017. He has submitted that as the case relates to matrimonial dispute, no useful purpose would be served by allowing the prosecution to continue in view of the settlement of dispute between the parties.

4. The submissions made by the learned Advocate for the petitioner have been supported by Mr. S.N.P.Sinha, learned Senior Advocate for opposite party no.2. He has submitted that though the case was instituted due to matrimonial discord and incompatibility between the parties, due to intervention of common friends, relatives and well wishers all the differences have been sorted out and the opposite party no.2 does not intend to pursue the complaint case.

5. I have heard learned counsel for the parties and perused the record including the compromise petition filed by the parties.

6. Keeping in mind that the entire controversies had arisen due to domestic and matrimonial discord and differences and since the matter has amicably been settled and the complainant is not willing to pursue the matter, no useful purpose would be served by continuing with the criminal prosecution of the petitioner in the complaint.

7. Consequently, and keeping in mind the ratio laid down by the Supreme Court in **B.S.Joshi & Ors. vs. State of Haryana &**



Anr. [(2003) 4 SCC 675], Gian Singh vs. State of Punjab [(2010) 15 SCC 118], Nikhil Mercant vs. C.B.I. [(2008) 9 SCC 677], Manoj Sharma vs. State [(2008) 16 SCC 1], Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr. [(2013) 4 SCC 58] and Narnedra Singh & Ors. vs. State of Punjab & Anr. [(2014) 6 SCC 466], I am of the view that allowing the complaint to continue may lead to insurmountable harassment, agony and pain not only to the petitioner but also to the complainant and even other common relatives and, it may even spoil the matrimonial life of the couple, which could be saved due to intervention of common friends, relatives and well wishers.

8. In that view of the matter, Complaint Case No.1221 of 2012 in which cognizance of the offence under Section 498A of the IPC and Sections 3 and 4 of the D.P. Act, 1961 has been taken is quashed.

9. The application stands allowed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.09.2017
Transmission Date	

