

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28676 of 2015

Arising Out of PS.Case No. -1219 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

- =====
1. Sanjay Singh @ Chhotu Singh @ Sanjay Kumar Singh, son of Shambhu Singh
 2. Shambhu Singh, son of Late Deo Pujan Singh
 3. Smt. Nila Devi, wife of Shambhu Singh
- All residents of village - Barsingha, Police Station - Bihiya, District - Bhojpur,
At present residents of Mohalla - Chandkuiya, Police Station - Tisra District
Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raushan Kumar Singh, son of Satyanarayan Singh, resident of village Rewai,
Police Station Tekari, District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. RAghunandan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard learned counsel for the petitioners and learned
counsel for the State. No one appears on behalf of the O.P. No. 2,
though notice has been served upon him.

2. This application, under Section 482 of the Cr.P.C., has
been filed challenging order dated 20.03.2014 passed by the Sub
Divisional Judicial Magistrate, Gaya in Complaint Case No. C-1219
of 2013 (Tr. No. 2341 of 2014), whereby he has taken cognizance of
offence under Section 406 of the Indian Penal Code as well as Section
3 and 4 of the Dowry Prohibition Act.

3. The allegation, in brief, as stated in the complaint case,



is that there was negotiation of marriage of the complainant's sister with petitioner no. 1 and engagement was done. Accused persons made demand of Rs. 5 lacs and a motorcycle in dowry but any how only Rs. 2 lacs was given by the complainant. So, accused persons refused to marry unless dowry demand in totality is fulfilled.

4. Learned counsel for the petitioners submits that the matter was amicably settled in between both sides before the Mediation Centre during the pendency of Cr. Misc. No. 43371 of 2014 filed on behalf of the petitioners for granting anticipatory bail. The agreement for compromise was signed by both the sides in presence of their respective counsels, which is on record, and as per terms of compromise, Rs. 62,000/- was handed over to other sides/O.P. No. 2 and they agreed to withdraw this complaint case. Therefore, O.P. No. 2 is not turning even after receipt of notice in order to harass the petitioners. He also submits that for some other reasons marriage could not be settled, so false allegation was levelled against the petitioners.

5. Learned A.P.P. submits that during mediation proceeding, matter was compromised and the O.P. No. 2 received Rs. 62,000/- in cash.

6. Having considered submissions of both sides and taking note of the agreement earlier reached between both sides during



mediation proceeding, vide Mediation Proceeding No. 224 of 2015, it appears that matter was finally settled in between both sides and Rs. 62,000/- was given to the O.P. No. 2 by the petitioners.

7. So in view of the compromise and agreement between the parties, continuance of criminal proceeding will be abuse of the process of the court. Hence, entire criminal proceeding including the order taking cognizance dated 20.03.2014 passed by the Sub Divisional Judicial Magistrate, Gaya in Complaint Case No. C-1219 of 2013 (Tr. No. 2341 of 2014) is hereby quashed. This application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2017
Transmission Date	04.08.2017

