

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42593 of 2013

Arising Out of PS.Case No. -281 Year- 2012 Thana -PATRAKARNAGAR District- PATNA

1. Rashmi Singh W/O Sri Mritunjay Singh

2. Mritunjay Singh S/O Sri Kariman Singh

Both residents Of Awadhपुरी Colony, S.A. - 16/92, H-1, Tandia, Chackbihi,
Sarnath, Ps- Sarnath, Distt- Varanashi.

.... Petitioners

Versus

1. The State Of Bihar

2. Smt. Sheema Kumari wife of Shree Rahul Kumar Singh D/o Shree Ranjeet
Kumar Singh.

.... Opposite Parties.

with

Criminal Miscellaneous No. 29270 of 2014

Arising Out of PS.Case No. -281 Year- 2012 Thana -PATRAKARNAGAR District- PATNA

1. Smt. Manorama Singh W/o Sri Rajendra Prasad Singh.

2. Rajendra Prasad Singh S/o Late Sita Ram, both residents of L.I.C. - 07, P.S. -
Patrakar Nagar in the town and District of Patna.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.42593 of 2013)

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party No.2: Mr. Abhay Kumar, Advocate

(In Cr.Misc. No.29270 of 2014)

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-04-2017



Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for opposite party no. 2.

2. In both these applications filed under Section 482 of the Code of Criminal Procedure, the prayer of the respective petitioners is to quash the order dated 15.04.2013 passed by the learned Chief Judicial Magistrate, Patna in Patrakar Nagar P. S. Case No. 281 of 2012 by which finding a prima facie case to be made out under Section 498-A/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibitions Act, the petitioners and one Rahul Kumar Singh have been summoned to face the trial.

3. In the first information report lodged on 17.11.2011, the informant opposite party no. 2 Seema Kumari has alleged that after her marriage on 13.06.2010 with Rahul Kumar Singh, accused persons started subjecting her to cruelty for non-fulfilment of demand of dowry. She has alleged that in the night intervening between 16th and 17th November, 2012, the accused persons assaulted and ousted her from the matrimonial home.

4. The petitioners in Cr. Misc. No. 42593 of 2013 are sister-in-law and brother-in-law respectively and the petitioners in Cr. Misc. No. 29270 of 2014 are mother-in-law and father-in-law respectively of the informant.



5. It is contended by Mr. Anil Kumar, learned counsel for the petitioners that on the basis of the information given by Rajendra Prasad Singh, an FIR was lodged against the informant and her family members in which the police submitted the final form, but on protest a separate complaint was registered vide Complaint Case No. 1368(c) of 2013 in which the accused persons including the informant of the present case were summoned to face trial. He contended that since it was a case of matrimonial discord and incompatibility between the parties, in due course of time good senses prevailed due to intervention of friends and well-wishers whereafter the parties have settled all their disputes outside the court.

6. He conceded that in Cr. Misc. No. 47552 of 2013 filed on behalf of the father of the informant of the present case, on the basis of compromise arrived at between the parties, this Court vide order passed today itself has quashed the aforesaid Complaint Case No. 1368(c) of 2013 launched against father of the informant, informant herself and other accused persons.

7. Mr. Abhay Kumar, learned counsel for the informant Opposite Party No. 2 admits that the parties have settled their dispute outside the Court and the informant does not wish to proceed with the present case.



8. Considering the submissions made above, since the dispute is purely of a private nature and the parties have amicably settled the differences outside the Court, in the opinion of this Court, no useful purpose would be served by allowing the prosecution to continue.

9. Accordingly, the entire proceedings of Patrakar Nagar P. S. Case No. 281 of 2012 including the summoning order dated 15.04.2013 passed by the learned Chief Judicial Magistrate, Patna are hereby quashed.

10. These applications stand allowed.

(Ashwani Kumar Singh, J)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2017
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