

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53112 of 2013

Arising Out of PS.Case No. -105 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Priyanka Kumari @ Babli, Wife of Pravin Kumar, Resident of Village -
Kumharpatti, P.S. Pupri, District - Sitamarhi, Presently Residing With Her
Father Shri Vijay Prasad Gupta, Village - Lohapatti, Janakpuri Road, P.S.
Pupri, District – Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. Godawari Devi, W/O Ram Prasad Saha, Resident of Village -
Kumharpatti, P.S. Pupri, District – Sitamarhi.

.... Opposite Parties

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with

Criminal Miscellaneous No.6937 of 2015

Arising Out of PS.Case No. -91 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Pravin Kumar @ Priven Kumar, Son of Ram Prasad Sah
 2. Ram Prasad Sah@Ram Prasad Saha, S/o Late Nathuni Sah
 3. Godwari Devi, W/o Ram Prasad Sah, All resident of Village- Dumhar
Patti, P.S. - Pupari, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar
2. Priyanka Kumar@ Babli, W/o Pravin Kumar resident of Village-
Dumhar Patti, P.S. - Pupri, District- Sitamarhi, presently residing with
her father shri Vijay Prasad Gupta, Village- Lohapatti, Jnampur, Road,
P.S. Purpri, District- Sitamarhi.

.... Opposite Parties

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with

Criminal Miscellaneous No.7951 of 2015

Arising Out of PS.Case No. -91 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Ramnath Nirala @ Ram Nath Sah Son of Ram Prasad Sah
 2. Anita Devi W/o Ramnath Nirala Both are resident of Village-Dumhar
Patti, P.S. Pupari, District-Sitamarhi.
 3. Shyam Prasad S/o Ram Sagar Sah
 4. Gita Devi @ Gita Kumari, W/o Shyam Prasad Both are resident of
Village- Jale , P.S. - Jale, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar



2. Priyanka Kumari@ Babli W/o Pravin Kumar resident of village-Dumhar Patti, P.S.- Pupri, District- Sitamarhi, presently residing with her Father Shri Vijay Prasad Gupra, Village- Lohapatti, Jnakpur Road, P.S. - Pupri, District- Sitamarhi.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.53112 of 2013)

For the Petitioner/s : Mr. Manish Kumar

Mr. Indrajeet Bhushan,

For the Opposite Party/s : Mr. Jharkhandi Upadhyay (App)

(In Cr.Misc. No.6937 of 2015)

For the Petitioner/s : Mr. B.K. Sinha, Sr. Adv.

Mr. Saroj Kumar

For the Opposite Party/s : Mr. Veena Kri.Jaiswal(App)

(In Cr.Misc. No.7951 of 2015)

For the Petitioner/s : Mr. B.K. Sinha, Sr. Adv.

Mr. Saroj Kumar

For the Opposite Party/s : Mr. Rajendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 18-04-2017 The Criminal Miscellaneous No. 53112 of 2013 has been preferred against the order dated 18.10.2013 passed in Complaint Case No. 105 of 2012 filed by Godawari Devi, mother-in-law of the petitioner Priyanka Kumari @ Babli whereunder, on inquiry, the petitioner Priyanka Kumari @ Babli has been summoned under Section 204 Cr.P.C. finding prima facie case under Section 328 I.P.C. Whereas, Criminal Miscellaneous No.6937 of 2015 and Criminal Miscellaneous No.7951 of 2015 have been preferred by petitioners, who are husband and in-laws of Priyanka Kumari @ Babli against order dated 07.08.2013 passed in Complaint Case No. 91 of 2012 filed by Priyanka Kumari @ Babli, whereunder, on enquiry, the



petitioners, who are husband and in-laws of Priyanka Kumari @ Babli, have been summoned under Section 204 Cr.P.C. finding prima facie case under Section 498(A) and 312 I.P.C. As such, all the three Criminal Miscellaneous Applications have been heard together and are being disposed of by this common order.

Facts relating to the aforesaid criminal applications is that Priyanka Kumari @ Babli, O.P No.2 of Criminal Miscellaneous No.6937 of 2015 and Criminal Miscellaneous No. 7951 of 2015, filed the Complaint Case No. 91 of 2012 against her husband and in-laws for the offence under Sections 323, 498(A) and 313 of I.P.C. On enquiry, Pravin Kumar, Ram Nath Nirala, Ram Prasad Sah, Godawari Devi, Anita Devi, Shyam Prasad and Gita Devi husband and in-laws of complainant/O.P. No. 2 were summoned under Section 204 Cr.P.C. finding prima facie case under Section 498(A) and 312 I.P.C. vide order dated 07.08.2013. In the meantime, Godawari Devi, mother-in-law of Priyanka Kumari @ Babli filed Complaint Case No. 105 of 2012 against Priyanka Kumari @ Babli, her parents and other family members for the offence under Section 328, 307, 380/34 and 120-B of I.P.C. On inquiry, only Priyanka Kumari @ Babli was summoned under Section 204 Cr.P.C. finding prima facie case under Section 328 I.P.C. by the Court of SDJM, Pupri, Sitamarhi



and the case was committed to the Court of Session numbered as Sessions Trial No. 297 of 2014 pending in the Court of ADJ-III, Sitamarhi. Against summoning order dated 07.08.2013 passed in Compliant Case No. 91 of 2012 filed by Priyanka Kumari @ Babli her husband, father-in-law and mother-in-law Gita Devi preferred Criminal Miscellaneous No. 6937 of 2015 and other in-laws preferred Criminal Miscellaneous No.7951 of 2015, whereas Priyanka Kumari @ Babli filed the Criminal Miscellaneous No.53112 of 2013 against the summoning order dated 18.10.2013 passed in Compliant Case No. 105 of 2012 corresponding to Sessions Trial No. 297 of 2014 pending in the Court of ADJ-III, Sitamarhi.

Learned counsel appearing on behalf of petitioner Priyanka Kumari @ Babli of Criminal Miscellaneous No. 53112 of 2013, who is O.P. No.2 in Criminal Miscellaneous No. 6937 of 2015 and Criminal Miscellaneous No.7951 of 2015 preferred by her husband and in-laws, submits that the dispute in between Priyanka Kumari @ Babli and her husband Pravin Kumar petitioner No.1 of Criminal Miscellaneous No. 6937 of 2015 has been settled as such Priyanka Kumari @ Babli and her husband and in-laws do not want to proceed with the cases i.e. Complaint Case No. 105 of 2012, corresponding to S.T. No. 297 of 2014



pending in the Court of Addl. Sessions Judge-III, Sitamarhi and Complaint Case No. 91 of 2012 pending in the Court of SDJM, Pupari, Sitamarhi.

Learned counsel appearing on behalf of the petitioners of Criminal Miscellaneous No. 6937 of 2015 and Criminal Miscellaneous No.7951 of 2015, who are husband and in-laws of Priyanka Kumari also submits that dispute has been settled between Priyanka Kumari @ Babli and her husband Praveen Kumar as such parties do not want to proceed with the cases pending between them.

Since, the matrimonial dispute in between Priyanka Kumari @ Babli and her husband Pravin Kumar has been settled and Priyanka Kumari @ Babli and her husband and in-laws do not want to proceed with the cases pending in between them as such continuation of the proceeding in Complaint Case No. 105 of 2012 corresponding to Sessions Trial No. 297 of 2014 pending in the Court of ADJ-III, Sitamarhi and Compliant Case No. 91 of 2012 pending in the Court of SDJM, Pupari Sitamarhi would be futile exercise.

In the result, order dated 18.10.2013 passed in Compliant Case No. 105 of 2012 corresponding to Sessions Trial No. 297 of 2014 entire criminal proceeding pending in the Court



of ADJ-III, Sitamarhi and summoning order dated 07.08.2012 passed in Complaint Case No. 91 of 2012 and entire criminal proceeding pending in the Court of SDJM, Pupri, Sitamarhi are hereby quashed. Accordingly, the Criminal Miscellaneous No. 53112 of 2013, Criminal Miscellaneous No.6937 of 2015 and Criminal Miscellaneous No.7951 of 2015 are allowed.

(Rajendra Kumar Mishra, J)

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