

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41031 of 2014

Arising Out of PS.Case No. -3187 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Manish Kumar Singh @ Manish Kumar, Son of Suresh Prasad Singh, Nehru Road, Chirkunda, P.O.- Sarasa Pahari, District- Dhanbad, Jharkhand
2. Sujata Kumari @ Gudia @ Sujata Devi, Wife of Ram Kumar Singh, Resident of Nilanchal Colony More, Near Big Bazar, Kola Kusuma, Nichitpur, Dhanbad, Jharkhand
3. Sudha Devi @ Sudha Singh, Wife of Pawan Kumar Singh, Resident of 13, Gaon, Juravanpur Karar, Anchal- Radhopur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Rani, wife of Santosh Kumar, Daughter of Radhe Raman Singh, Resident of Gali No. 8, Chandmari Road, P.S.- Kankarbagh, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
Mr. Sunil Kumar Singh, Adv.
For the Opposite Party no.2 : Mr. Jitendra Prasad Singh, Adv.
Mr. Arvind Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
Date: 09-10-2017

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

The petitioners, in the present case, are Devar (petitioner no.1) and Nanads (petitioner nos.2 and 3) of the opposite party no.2 who are facing prosecution by virtue of the order taking cognizance dated 02.12.2013 passed by the learned Judicial Magistrate-1st Class, Patna in Complaint Case No.3187(C) of 2013 at the instance of the opposite party no.2 under Section 498A of the Indian Penal Code.

Learned counsel for the petitioners and the opposite



party no.2 have jointly informed this Court that, in fact, the present complaint arises out of a matrimonial discord between the opposite party no.2 and her husband in which now the parties have settled their dispute outside the Court. Learned counsel for the parties informed this Court that the settlement amount as agreed is Rs.15 lacs payable to the opposite party no.2 out of which a sum of Rs.11,25,000/- has already been received by the opposite party no.2 through bank draft, the rest of the amount i.e. Rs.3,75,000/- is still payable for which the husband is requesting the opposite party no.2 to receive, but said amount has not been received so far. Learned counsels further submit that both the parties have filed an application under Section 13(B) of the Hindu Marriage Act seeking divorce by mutual consent in the Family Court at Patna and it was a condition in the settlement that the balance amount would be payable at the time of filing of the petition once the opposite party no.2 puts her signature thereon. Now that the petition has been filed, the balance amount is ready for payment.

Learned counsel representing the present petitioners undertakes that the bank draft for the balance amount shall definitely be handed over to Mr. Jitendra Prasad Singh, learned advocate on record representing the opposite party no.2 latest by 16th October, 2017 and receipt thereof shall be filed in the Family Court, Patna.

Mr. Arvind Kumar Pandey, learned counsel assisting



Mr. Jitendra Prasad Singh, advocate on record accepts the position and undertakes that he will ensure that the bank draft is received and receipt thereof be supplied to the learned counsel representing the petitioners.

In view of the developments abovementioned and considering the fact that so far these petitioners are concerned, they have been made accused in the complaint case being close kith and kin of the husband, in the opinion of this Court, continuance of their prosecution is only an abuse of the process of the Court and it would be in the interest of justice to quash the order taking cognizance and issuance of summons and is accordingly quashed in so far as it relates to the present petitioners.

If learned counsel for the petitioners fails to abide by his undertaking aforesaid, learned counsel for the opposite party no.2 shall be at liberty to mention the matter before this Court for appropriate order.

The application stands disposed off with the observations made above.

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
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