

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37368 of 2014

Arising Out of PS.Case No. -857 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Rabindra Kumar Ravi @ Ravi Kumar @ Rabindra Kumar Son of Suresh Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

2. Praveen Kumar Son of Suresh Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

3. Jitendra Das Son of Suresh Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

4. Suresh Das S/o - Govind Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

5. Manorama Devi W/o - Suresh Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

6. Asha Devi W/o - Jitendra Das Resident of Village - Kalarampur, P.S. - Nayaramnagar, District - Munger

.... Petitioners

Versus

1. The State of Bihar

2. Asmita Kumari W/o - Rabindra Kumar Ravi, D/o - Garib Das Mohalla - Sandalpur Jhajha Tola, P.S. - Kasim Bazar, District - Munger, At Present Residing at Mohalla - Bapunagar Baluahi Ward No. 24, Khagaria Thana, Khagaria.

.... Opposite Parties

with

Criminal Miscellaneous No.31324 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- MUNGER

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Rabindra Das @ Rabi Das son of Suresh Das resident of village Kalarampur, P.S. Naya Ram Nagar, District Munger.

.... Petitioner

Versus

1. The State of Bihar.

2. Asmita Kumari wife of Rabindra Das @ Rabi Das, daughter of Garib Das resident of mohalla Baluahi, Bapu Nagar, P.S. Khagaria, District Khagaria.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.37368 of 2014)

For the Petitioners	:	Mr. Pankaj Kumar Sinha, Adv.
	:	Mr. Kamal Kishore, Adv.
For the O.P. no. 2	:	Mr. Kishore Kunal, Adv.
	:	Smt. Sudha Ambastha, Adv.



For the State : Mr. Satyendra Kr. Singh, Adv.
(In Cr.Misc. No.31324 of 2015)
For the Petitioners : Mr. Pankaj Kumar Sinha, Adv.
: Mr. Kamal Kishore, Adv.

For the O.P. no. 2 : Mr. Kishore Kunal, Adv.
: Smt. Sudha Ambastha, Adv.
For the State : Mr. Satyendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 13-09-2017 Heard Sri Pankaj Kr. Sinha assisted by Sri Kamal Kishore Jha, learned counsel for the petitioners, Sri Kishore Kunal, learned counsel for the informant i.e. opposite party no. 2 and Sri Satyendra Narayan Singh, learned counsel for the State.

At the outset, the parties have referred to the supplementary affidavit filed in the aforesaid two cases wherein, it has been stated that the matter has already been resolved between the husband and the wife amicably and the compromise petition has been filed by both the parties as well as other persons. It has also been stated that apart from the present case, there are other cases i.e. Nayaramnagar P.S. case no. 112 of 2015, S.T./S.C. case no. 17 of 2014 and Nayaramnagar P.S. case no. 93 of 2013 which are pending for consideration in the Khagaria court however, the parties have agreed to file compromise petition in the said cases for the purpose of compounding the offences. It is further submitted that in the said compromise petition dated 09.03.2017, it



has been further agreed between the parties that the present case may also be quashed on account of the aforesaid settlement entered into between the parties leading to filing of compromise petition dated 09.03.2017 which is a part of the supplementary affidavit filed by the petitioners in the aforesaid two cases.

I deem it fit and expedient to quash the connected proceeding especially in view of the fact that the learned counsel for the opposite party no. 2 is also in agreement thereof, under proper instructions from the opposite party no. 2.

The learned counsel for the petitioners has further submitted that the marriage between the opposite party no. 2 and the petitioner no. 1 has already been dissolved by mutual consent by an order dated 19.08.2017 passed by the learned Principal Judge, Family Court, Munger in matrimonial case no. 256 of 2016.

For the reasons stated hereinabove and in view of the compromise petition dated 09.03.2017, the order dated 29.04.2014 passed by the learned Sub Divisional Judicial Magistrate, Khagaria in connection with complaint case no. 857-C of 2013 as well as the order dated 24.04.2015 passed by the learned Principal Judge, Family Court, Khagaria in connection with case no. 74M of 2014 are quashed and further, the entire



ancillary proceedings arising therefrom are also hereby set aside.

Any interim orders passed earlier are vacated.

The petitions are allowed with the aforesaid observations.

(Mohit Kumar Shah, J.)

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