

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9993 of 2014

Arising Out of PS.Case No. -620 Year- 2012 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

=====

1. Bipin Kumar Jha @ Chanchal Jha S/O Nilambar Jha
2. Nilambar Jha S/O Laxmi Narayan Jha
3. Sita Devi W/O Nilambar Jha
All Of Village Barshi, P.S. Nauhatta, District Saharsa.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Punita Kumari D/O Mahadeo Jha resident of village Baghwa P.S. Bakhtiyarpur,
District-Saharsa

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Muxund
For the Opposite Party/s : Mr. Rajesh Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 30-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 29.07.2013 passed by the learned Judicial Magistrate, 1st Class, Saharsa in Complaint Case No. 620 C of 2012 whereunder the court below finding prima facie for the offence under Sections 498-A/34 of the Indian Penal Code ordered for issuance of summons against the petitioners and other co-accused.

2. Heard both sides.

3. The learned counsel for the petitioners submits that both the parties have settled their dispute by entering into compromise and as per compromise, the husband has given an amount of Rs. 5,00,000/- as per account payee cheque to the Opposite Party No. 2.



After payment of Rs. 5,00,000/-, the Opposite Party No. 2 has no concern with her husband and they have agreed to get their marriage dissolved by mutual consent under Section 13-B of the Hindu Marriage Act . The husband has already filed a Divorce Case No. 33 of 2017 in the court of Principal Judge, Family Court, Saharsa. After payment of Rs. 5,00,000/-, the petitioner is exonerated from the payment of Rs. 750/- per month to the wife as ordered on 08.09.2014.

4. The learned counsel for the Opposite Party No. 2 has not opposed the submission. He submits that both the parties have compromised in their interest.

5. In the facts and circumstances of the case and also in the interest of parties, the impugned order dated 29.07.2013 passed by the learned Judicial Magistrate, 1st Class, Saharsa in Complaint Case No. 620 C of 2012 and the criminal prosecution of these petitioners on the basis of said cognizance order is hereby quashed. The Opposite Party No. 2, however, is directed to cooperate with the petitioner No. 1 before Family Court in getting the marriage dissolved.

6. This application as well as Interlocutory Application No. 1851 of 2017 are, accordingly, disposed of.

(Sanjay Kumar, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2017
Transmission Date	04.09.2017

