

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45577 of 2014

Arising Out of PS.Case No. -308 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Ashok Kumar Mishra Son of Late Gopi Nath Mishra (Sasur)
 2. Kiran Devi Wife of Ashok Kumar Mishra (Sas)
 3. Kundan Kumar Mishra @ Nandu Son of Ashok Kumar Mishra (Dewar) All
R/o Village Dhaniya Bagicha, Gautam Butha Colony, Delha Gaya, P.S. Barki
Delha, P.O Delha, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari Wife of Shyam Mishra, D/o Umesh Mishra R/o Pathak Toli,
Jehanabad, P.S. District Jehanabad

.... Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Mr. Md. Fahimuddin (APP)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 15-09-2017

Heard Shri Satish Kumar, learned counsel for the petitioners.

2. The present petition has been filed for quashing the order dated 03.12.2013 passed in Complaint Case No. 308 of 2013 by the learned S.D.J.M., Jehanabad taking cognizance under Section 498A of the Indian Penal Code and Sections 34 of the Dowry Prohibition Act against the petitioners herein.

3. The learned counsel for the petitioners submits that the matter has already been settled between the parties and in support thereof, he produces a compromise petition filed before the learned trial court dated 14.01.2015, wherein it has been submitted that the opposite party no. 2 has received one time *lump sum* amount of Rs. 3,35,000/- by a bank draft. In the said compromise petition, it has



also been undertaken by the parties to obtain a decree of divorce in the pending divorce proceeding as well as to withdraw the criminal case filed against each other. The aforesaid compromise petition produced by the learned counsel for the petitioners is taken on record.

4. The learned counsel further produces a photo copy of the demand draft for a sum of Rs. 3, 35,000/- which is also taken on record.

5. Nobody appears on behalf of the opposite party no. 2 despite valid service of notice as informed by the Registry. Hence, it appears that on account of the aforesaid compromise entered into between the parties, the opposite party no. 2 has lost interest of the present case.

6. For the reasons stated hereinabove as also on account of the compromise entered into between the parties, I deem it fit and proper to quash the order dated 03.12.2012 passed by the learned S.D.J.M., Jehanabad.

7. The petition is allowed and the order dated 03.12.2012 passed in Complaint Case No.308 of 2013 by the learned S.D.J.M., Jehanabad, is hereby quashed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

