

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30719 of 2013

Arising Out of Complainant Case No. -519 Year- 2013 Thana –Arrah Nawada District- BHOJPUR

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1. Ajit Nath Goshwami S/o Surendra Nath Goshwami
 2. Surendra Nath Goshwami S/o Late Mohan Nath Goshwami
 3. Kushum Devi W/o Surendra Nath Goshwami
 4. Sujit Nath Goshwami S/o Surendra Nath Goshwami
 5. Ajay Nath Goshwami S/o Surendra Nath Goshwami
 6. Vijay Nath Goshwami S/o Surendra Nath Goshwami
 7. Kanchan Goshwami W/o Sujit Nath Goshwami
 8. Bindu Goshwami W/o Anil Goshwami

All are resident of 42D/1A, Netaji Nagar Goshwami Auto Parts, P.O. Harjindra Nagar, Kanpur 7, P.S.- Rama Devi, District- Kanpur (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Goshwami W/o Ajit Nath Goswami, D/o Radha Mohan Goshwami
resident of mohalla- Ministerial Quarter No. 35B Arrah, P.O.- Arrah, P.S.- Arrah
Nawadah, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Pd. Sinha, Adv.
For the Opposite party : Mr. Madanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-10-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 5th June 2013 passed by the learned Sub-Divisional Judicial Magistrate, Arrah in Complaint Case No. 519 (C) of 2013 whereby and whereunder the learned Magistrate finding *prima facie* case took cognizance against the petitioners for the offences under sections 498A, 379 of the Indian Penal Code and section 3/4 of the



Dowry Prohibition Act.

2. Heard learned counsel for the petitioners, learned counsel appearing on behalf of the opposite party no. 2 and learned Additional Public Prosecutor representing the State.

3. It has been submitted on behalf of the petitioners that the matter has been settled between the parties and both (complainant and the petitioner no. 1) are residing together and so in view of compromise and restoration of good relations between them, the criminal prosecution of these petitioners is fit to be quashed.

4. The learned counsel for the opposite party no. 2 on the other hand submitted that as per condition nos. 5 and 6 of agreement annexed with supplementary affidavit filed on behalf of the petitioners on 20.02.2015, the matter is required to be examined by the learned Court below.

5. On perusal of document on record, I find that the learned Magistrate on the basis of statement of complainant on solemn affirmation and other witnesses, took cognizance under sections 498A, 379 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act. The learned counsel for the opposite party no. 2 concedes to the submission of the learned counsel for the petitioners that both are residing together, but some of the conditions of agreement have not been fulfilled as yet.



6. Be that as it may. The materials on record are sufficient to prosecute the petitioners for the offence in question. Since parties have compromised the case and are residing together, the Court below is required to expedite the hearing of the case in the light of compromise between the parties.

7. In this view of the matter, this application is disposed of. The court is directed to expedite the trial in accordance with law.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.11.2017
Transmission Date	05.11.2017

