

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38572 of 2013

Arising out of P.S. Case No. - 190 Year - 2012 Thana - PHULWARI District - PATNA

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1. Sudhir Kumar Srivastava @ Sudhir Kumar, Son of Late Mahanand Prasad
 2. Smit. Pramila Devi @ Pramila Srivastava, Wife of Sudhir Kumar Srivastava @ Sudhir Kumar
 3. Abhishek Kumar @ Sonu @ Abhishek, Son of Suhir Kumar Srivastava @ Sudhir Kumar

All are residents of Mitra Mandal Colony, Saket Bihar, Police Station - Phulwari Sharif, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. Poonam Sinha, wife of Randhir Kumar Srivastava, Daughter of Late Sitaram Lal, resident of Mohalla – Kanakpur, near Jain College Eastern Gate, Ara, Police Station Nawada, District Bhojpur

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate
For the O.P. No. 2 : Mr. Arvind Kumar, Advocate
For the State : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsels for the parties.

2. The petitioners has challenged in this application, under Section 482 Cr.P.C, the order dated 21.02.2013 passed by the learned Chief Judicial Magistrate, Patna in Phulwari Sharif P.S. Case No. 190 of 2012 whereby cognizance has been taken against the petitioners under Sections 498A, 506/34 of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act. The petitioners are relations of the husband.

3. Submission of the learned counsel for the petitioners is that the husband of the informant was also an accused in this case and



during the pendency of the case, the husband and wife settled their dispute and they finally decided to part away from each other on payment of permanent alimony of Rs.8,00,000/- (rupees eight lakhs) by the husband. The husband has already paid the aforesaid eight lakhs in four installments. Fully detailed in the supplementary affidavit filed by the petitioners. Further submission of the learned counsel is that in view of the settlement of dispute between the spouse, the continuance of criminal prosecution against the petitioners would amount to unnecessary harassment as there is tendency growing in the society to robe the family members also in criminal litigation whenever there is dispute between the husband and wife as observed by the Hon'ble Apex Court in **Geeta Mahrotra & Anr. vs. State of U.P. & Anr.** reported in **2013(1) PLJR 10 (SC)**.

4. Learned counsel for the opposite party no. 2 submits that the petitioners are still in possession of the Stridhana of the complainant which they should be directed to handover first before quashing the criminal prosecution.

5. Considering the fact that no objection was raised before the competent authority regarding Stridhana of opposite party no. 2 at the time to settlement of dispute with the husband as well as considering the fact that the real dispute has been reconciled between the husband and the wife, hence, criminal prosecution of the



petitioners would amount to an abuse of the process of the Court.

6. Accordingly, the impugned order as well as the entire criminal prosecution stands quashed and this application is allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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