

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51702 of 2016

Arising Out of PS.Case No. -354 Year- 2004 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Prakash @ Bablu Kumar, aged about 45 years, Son of Sri Bishwanath Prasad, resident of Mohalla Gandhi Chowk, Police Station- Chapra Town, District- Saran.
 2. Bishwanath Prasad, aged about 70 years, Son of Kashi Prasad, resident of Mohalla Gandhi Chowk, Police Station- Chapra Town, District- Saran.
 3. Rupa Devi, aged about 40 years, daughter of Sri Bishwanath Prasad, resident of Mohalla Gandhi Chowk, Police Station- Chapra Town, District- Saran.
 4. Sanju Kumari, aged about 25 years, daughter of Sri Bishwanath Prasad, resident of Mohalla Gandhi Chowk, Police Station- Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madan Mohan Prasad, aged about 65 years, son of Yugal Sah, resident of Mohalla- Danapur, in front of Police Station of Danapur, Post & Police Station- Danapur, District- Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 14-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.03.2005 passed by the learned Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 354(C) of 2004 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and two other accused persons for the offences under Sections 498A, 323, 406 of the Indian Penal Code and Section 4 of dowry prohibition Act.



2. Learned counsel for the petitioners and learned counsel for the opposite party No. 2 are present.

3. The opposite party No. 2 has filed counter affidavit stating therein that on 23.11.2015, both parties have filed a joint compromise petition in the court below and petitioner No. 1 (husband) is keeping his wife with full dignity and care.

4. It has been submitted on behalf of opposite party No. 2 that he has no grievance with this petitioner. The complainant (opposite party No. 2) does not want to contest the complaint.

5. In such circumstances, since good sense between the parties has prevailed, which would be apparent from the counter affidavit filed on behalf of the wife (opposite party No. 2), this Court is of the view, that continuation of criminal proceeding against these petitioners will be harassment to the petitioners and abuse of the process of the Court.

6. Accordingly, the impugned order dated 09.03.2005 passed by the learned Sub Divisional Judicial Magistrate, Danapur, in Complaint Case No. 354(C) of 2004, against the petitioners, is hereby quashed.

7. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30/11/2017
Transmission Date	30/11/2017

