

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.756 of 2012

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1. Deo Nath Bhagat Son Of Late Karu Bhagat
2. Smt. Maheshwari Devi Wife Of Sri Deo Nath Bhagat
3. Vikash Bhagat Son Of Sri Deo Nath Bhagat
All R/o Nil Ratan Street, Upper Bazar, P.S. Kotwali, P.O. G.P.O., District
Ranchi, Jharkhand Petitioners

Versus

1. The State Of Bihar
2. Smt. Madhu Devi Daughter Of Sri Rajendra Prasad Sihari, P.S. Dulhin
Bazar, District Patna, Bihar

..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. D. K. Prasad, Advocate

Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

12 10-07-2017 The instant Criminal Miscellaneous application has been

filed for quashing the order dated 15.07.2011 as well as entire

criminal prosecution emanating from Complaint Case No. 1393 of

2010 passed by learned S.D.J.M., Danapur, Patna.

Heard learned counsel for the petitioners and learned
APP for the State. No one turned up on behalf of O. P. No. 2.

By filing supplementary affidavit, dated 03.07.2017,
annexing the copy of the judgment, dated 30.05.2015, passed by
learned Principal Judge, Family Court, Ranchi in Matrimonial
Title Suit No. 231 of 2014, it has been submitted that decree of
divorce has already been granted by mutual consent under Section
13-B of Hindu Marriage Act, 1955 and O. P. No. 2 has solemnized



her marriage on 06.07.2016 with Manish Malakar son of Late Ram Lakhan Malakar, resident of Hindpiri 3rd Street, P.S.- Hindpiri, District- Ranchi and she is enjoying her conjugal life, resulting, she is not turning up in this case now, though, earlier she was appearing and has filed counter affidavit also.

In view of the judgment, dated 30.05.2015, passed by learned Principal Judge, Family Court, Ranchi, learned counsel for the petitioners submits that now the impugned order is fit to be quashed because the continuation of the proceeding will be misuse of the process of the court and also wastage of court's valuable time as everything has been settled between the parties.

Learned APP after going through the supplementary affidavit and its annexures fairly submits that decree of divorce has already been granted with mutual consent.

In the facts and circumstances stated above, the impugned order dated 15.07.2011 as well as entire criminal proceeding emanating from Complaint Case No. 1393 of 2010 stands quashed.

In the result, this Criminal Miscellaneous application is hereby allowed.

(Jitendra Mohan Sharma, J)

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