

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21151 of 2014

Arising Out of PS.Case No. -730 Year- 2011 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Vijendra Bind

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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with

Criminal Miscellaneous No.16155 of 2013

Arising Out of PS.Case No. -738 Year- 2011 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Paramjeet Devi & Ors.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.21151 of 2014)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Rajiv Nayan(App)

(In Cr.Misc. No.16155 of 2013)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Anil Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

3 02-08-2017 Both the cases are running on the board for the last

several weeks.

Cr. Misc. No. 16155 of 2013 was filed by Paramjeet
Devi and six other petitioners for quashing of the order dated
29.9.2011 passed by the Chief Judicial Magistrate, Kaimur at
Bhabhua in Complaint Case No. 738C of 2011 for the offence
under section 323 of the Indian Penal Code.



The complainant in that case is the husband of Paramjeet Devi. Cr. Misc. No. 21151 of 2014 was filed by the complainant of the complaint case no. 730 of 2011. The petitioner no.1 is the husband of Paramjeet Devi in Cr. Misc. No. 16155 of 2013.

The petitioner in Cr. Misc. No. 21151 of 2014 has filed this case for quashing of the order taking cognizance dated 08.02.2012 passed by learned SDJM, Bhabhua (Kaimur) in Complaint Case No. 730 of 2011 for the offence under section 498A of the Indian Penal Code.

Considering the fact that there is case and counter case between the husband and the wife. This court vide order dated 12.5.2014 passed order for listing of both the cases side by side. Thus, Cr. Misc. Nos. 16155 of 2013 and 21151 of 2014 are listed for hearing. In Cr. Misc. No. 16155 of 2013 an interim order was passed on 09.01.2014 whereas in Cr. Misc. No. 21151 of 2014 no interim order was passed. Both the cases are running in the board for the last several weeks. The case was called out but despite repeated call no one appeared and in absence of counsel appearing on behalf of the parties the case was passed over. In order to facilitate counsel for the parties to assist the court, this court was constrained to pass order on 18.7.2017 but no one



appeared on behalf of the petitioner to assist the court.

As indicated above on the previous occasion considering the submission of the State, the matter was adjourned for today. Even today, despite repeated calls, no one appears on behalf of the parties.

Considering the backdrop of the case that there is dispute between the husband and wife which led to filing of case and counter case and the non-cooperation of the counsel appearing on behalf of the petitioner in both the cases, the court is left no option but to dispose of the application with liberty to the party, if so advised, to approach the court below for settlement of their disputes if possible amicably instead of contesting and continuing the litigation. If such petition is filed in the court below by the either party, the court below will considering the desirability of referring the matter to the mediation centre in order to explore possibility of compromise between the parties.

With the aforesaid observation, both the applications stand disposed of.

(Anil Kumar Upadhyay, J)

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