

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40780 of 2014

Arising Out of PS.Case No. -779 Year- 2012 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Kanishk Raj S/o Sri Balwant Singh, R/o Mohalla- Pokhra behind Dr. Suchita Chaudhary, Ward No. 19, P.S.- Hajipur Town, District- Vaishali, A/p C/o R.K. Chaudhary House No. 2L/59 Mahatma Gandhi Nagar, Bahadurpur Housing Colony near T.V. Tower, P.O.- Kankarbag, P.S.- Agam Kuan, District- Patna- 26

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragini Kumari @ Ragini Devi W/o Kanishk Raj, R/o Mohalla- Pokhra, P.S.- Hajipur Town, District- Vaishali, A/p C/o R.K. Chaudhary House No.2L/59 Mahatma Gandhi Nagar, Bahadurpur Housing Colony near T.V. Tower, P.O.- Kankarbag, P.S.- Agam Kuan, District- Patna- 26

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Ram Anurag Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 28-08-2017 No one appears on behalf of the petitioner despite repeated calls.

The present application is for quashing of the order dated 12.7.2013 passed by the Chief Judicial Magistrate, Hajipur whereby cognizance was taken under Section 498A, 406, 120B of the Indian Penal Code and Sections 34 of the Dowry Prohibition Act in Hajipur Town P.S. Case No. 779 of 2012, G.R. No. 5334 of 2012, Tr. No. 3527 of 2013.

Considering the nature of dispute on 5.12.2014 a detailed order was passed and the case was referred to the



Mediation and Conciliation Centre, Patna High Court. However, from the mediation report at Flag 'A' it appears that despite notice and information given to the parties neither the petitioner nor opposite party No. 2 appeared before the Mediation Centre, as such, failure report was submitted by the Mediator.

In view of fact that the parties are not interested in resolving their dispute, the Court is left with no option but to examine the record in order to pass final order in the present case.

From perusal of the record it appears that there is definite allegation of demand of dowry and cruelty on account of non-fulfillment of demand of dowry. In such circumstances, the Court is not inclined to exercise jurisdiction under Section 482 of the Code of Criminal Procedure to quash the order taking cognizance.

It goes without saying that the parties are husband and wife and every effort should be made to explore the possibility of compromise between them for restoration of their normal conjugal life.

Since the efforts of mediation failed during the pendency of this case, the Court is constrained to dispose of the application with direction to the court below to take further steps for resolving the dispute between the husband and wife by



providing one or more opportunity to the parties. In case understandings between the husband and wife is reached and normal conjugal life is restored, the Court below will pass appropriate order to close the pending criminal cases irrespective of whether the offence is compoundable or not?

With the aforesaid observations, the application is disposed of.

(Anil Kumar Upadhyay, J)

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