

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37219 of 2016

Arising Out of PS.Case No. -1092 Year- 2015 Thana -AURANGABAD COMPLAINT CASE

District- AURANGABAD

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Kumar Anubhav, S/o Shri Arun Kumar Srivastava, resident of 15/C, Park Road, D1/A Road No.1, Ashok Nagar, P.O.+P.S.- Argora Distt.- Ranchi, (Jharkhand) presently residing at Sector III, H.E.C., Dhurva, Ranchi, (Jharkhand).

.... Petitioner

Versus

1. The State of Bihar

2. Rina Kumari Sinha, W/o Kumar Anubhav, D/o Bipin Bihari Sinha, resident of 15/C, Park Road, D1/A Road No.1, Ashok Nagar, P.O.+P.S.- Argora Distt.- Ranchi, (Jharkhand) presently residing at New Area, Maharaj Ganj Road, Near P.N.B. Road, New Area Aurangabad, (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Mishra, Advocate

Mr. Suresh Mishra, Advocate

For the Opposite Party No.2: Mr. Laxman Lal Pandey, Advocate

Mr. Abhishek Kumar, Advocate

For the State : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-09-2017

This application under Section 482 of the Code of criminal Procedure (for short 'Cr. P.C.') has been filed for quashing the order dated 18.05.2016 passed by the learned Sub Divisional Judicial Magistrate, Aurangabad in Complaint Case No.1092 of 2015



whereby and whereunder the learned Sub Divisional Judicial Magistrate has summoned the petitioner to face trial for the offences punishable under Sections 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. The complaint case was filed on 27.11.2015 against the petitioner and other accused persons under Sections 147, 323, 379 and 498A of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. According to the complainant, she was married to the petitioner on 18.05.2014. At the time of marriage, her father had given cash, goods and ornaments as gift but the petitioner and other accused persons were not pleased and when she went to matrimonial house after the marriage, the accused persons subjected her to cruelty both physically and mentally and demanded dowry of Rs.10 lacs which was conveyed to her parents. Her parents expressed their inability to give the dowry, but assured them to fulfil the demand in future, which did not pacify the accused persons who kept on torturing her on account of non-fulfilment of demand of dowry. The complainant has further alleged that she came to know that the petitioner had illicit relationship with his sister-in-law and when she raised objection in this regard, she was assaulted and abused. She has alleged that subsequently, she came back to her parents' house and



when she went again to her matrimonial house on 01.04.2015 the accused persons did not allow her to enter into her matrimonial house. When she came back to her parent's house after reporting this incident to the police station. The complainant has lastly stated that the accused persons visited her parent's house and asked her to withdraw the case and when she insisted on going to her matrimonial home the accused persons told her unless Rs. 10 lacs is paid as dowry, she would not be accommodated in her matrimonial house.

4. After examination of the complainant on solemn affirmation, statement of three other witnesses, namely, Vishal Sinah, Reeta Sinha and Bipin Bihari Sinha were recorded in course of inquiry conducted under Section 202 of the Cr.P.C. Whereafter, the court below summoned the petitioner and others to face trial for the offences under Sections 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act vide order dated 18.05.2016

5. Mr. Rajni Kant Mishra, learned counsel appearing for the petitioner submitted that during pendency of the instant case, the petitioner and the complainant-opposite party no.2 agreed upon to settlement of their entire dispute amicably in the light of the order dated 15.07.2016 passed by the Hon'ble Supreme Court in Transfer Petition (Civil) No.2062 of 2015 with T.P. (CRL.) No.220-221 of 2016 before the Mediator appointed by the Hon'ble Supreme Court



on 05.08.2016. He has submitted that the Hon'ble Supreme Court vide order dated 20.09.2016 passed in aforesaid transfer petition has directed the petitioner and opposite party no.2 to act in terms of the aforesaid settlement agreement dated 05.08.2018. Learned counsel for the petitioner has submitted that one of the criminal proceedings arising out of Doranda (Arogra) P.S. Case No. 196 of 2015 filed by the opposite party no.2 has already been quashed in the light of the aforementioned amicable settlement made between the petitioner and the opposite party no.2 and the aforesaid direction of the Hon'ble Supreme Court by the Jharkhand High Court vide order dated 05.01.2017 passed in Cr.M.P. No.2612 of 2016.

6. Mr. Abhishek Kumar, learned Advocate for the complainant-opposite party no.2 has supported the contentions advanced on behalf of the petitioner. He has submitted that the opposite party no.2 is living together with the petitioner after aforesaid amicable settlement and she does not have any objection if the entire criminal proceeding against the petitioner and his family members is quashed.

7. I have heard learned counsel for the parties and perused the record.

8. Be it noted that on 01.09.2017, both the petitioner and the opposite party no.2 had appeared before the court



in person. They had categorically stated that the entire disputes between the parties have been resolved. The opposite party no.2 had further stated that she is not interested in prosecution of the petitioner either in the present case or in another case being Mahila Helpline Case No.01 of 2016.

9. It would appear that apart from the present case, there are some other cases between the parties. From perusal of the order dated 05.01.2017 passed in Cr.M.P. No.2612 of 2016 by the High Court of Jharkhand at Ranchi, which has been brought on record by filing an interlocutory application, it would be evident that Doranda (Arogra) P.S. Case No.196 of 2015 filed by the opposite party no.2 against the petitioner under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act has already been quashed considering the amicable settlement between the parties. It would also appear from the record that the opposite party no.2 had filed a maintenance proceeding under Section 125 of the Cr. P.C. before the court of Principal Judge, Family Court, Aurangabad against the petitioner. It would further appear that two transfer petitions were filed before the Supreme court in respect of ongoing disputes between the parties vide Transfer Petition (C) No.2062 of 2015 and Transfer Petition (CRL.) No.220-221 of 2016. Those transfer petitions were referred to the Supreme Court



Mediation Centre where conciliation was effected and the terms and conditions evolved in the settlement agreement was agreed upon the parties.

10. The settlement agreement made between the parties before the Supreme Court Mediation Centre reads as under:-

“SETTLEMENT AGREEMENT

This Settlement Agreement is entered into between the Petitioner Ms. Reena Kumari Sinha and Respondent, Mr. Kumar Anubhav.

These matters were referred to mediation by the Hon’ble Court vide Order dated 15.07.2016.

Mediation session, both joint and private, was held with the parties and their Counsels today i.e. 05.08.2016.

The parties have voluntarily and with their consent arrived at an amicable settlement through the process of medication on the terms set out hereunder:

(a) That the parties have amicably resolved their marital differences and agreed to resume co-habitation forthwith in the place of the posting of the respondent in his allotted quarter.

(b) That the parties agree to discharge their respective marital duties towards each other and to give full respect and affection to each other and their relatives.

(c) That the parties hereby withdraw all allegations made against each other and the



respective family members and express regret at the turn of events that led to the multiple litigations between the parties detailed hereunder.

(d) That the parties agreed that there will be no interference in the daily married life of the parties by the respective family members.

(e) That the following cases are pending between the parties:-

A. MTS-60 of 2015 pending before the Principal Judge, Family Court, Ranchi filed by the Respondent against the Petitioner.

B. Proceedings under the Protection of Women against Domestic Violence Act, registered as MHL-01/2016 pending before the Court of Shri Umesh Rai, Judicial Magistrate-I, Aurangabad, Bihar filed by the Petitioner against the Respondent and his family members.

C. Section 125 Cr.PC proceedings pending before the Principal Judge, Family Court, Aurangabad, Bihar filed by the Petitioner against the Respondent.

D. FIR No. 196/2015, PS. Argora Ranchi, under Sections 498A IPC, 3/4 Dowry Prohibition Act subsequently registered as GR No.1992 of 2015 pending before the Ld. SDJM Court Ranchi lodged by the Petitioner against the Respondent and his family members.

E. Complaint Case No.1092/2015 under Sections 498A IPC, 3/4 Dowry Prohibition Act pending before the Ld. SDJM Court Aurangabad



lodged by the Petitioner against the Respondent and his family members.

F. Anticipatory Bail Application No.3493/2015 pending before the Hon'ble Jharkhand High Court at Ranchi.

That the concerned parties hereby agree to withdraw the cases at Sr. No. A, B, C and F on the respective next date of hearing. The parties agree that the Respondent and his family members will file a quashing petition before the Hon'ble Jharkhand High Court seeking the quashing the FIR referred to at Sr. No. D within 4 weeks from today and the petitioner will duly appear in the said quashing petition to give no objection for quashing. The Respondent and his family members have filed a quashing petition before the Hon'ble Ranchi High Court seeking the quashing the Complaint referred to at Sr. No. E. The parties hereby agree that the petitioner will duly appear in the said quashing petition to give no objection for quashing of the said complaint. It will be open to the Respondent and his family members to seek discharge in the said FIR and/or complaint before the competent Ld. Trial Court on the basis of this settlement and the Petitioner will cooperate with the Respondent and his family members in this regard. The parties agree that should any further proceeding/litigation be found to be pending between the parties and their family members, the same shall be deemed to be



withdrawn.

By signing this Agreement the parties hereto solemnly state and affirm that all the disputes and differences have been amicably settled by the parties hereto through the process of mediation.

The parties undertake to abide by the terms and conditions set out in the above mentioned Agreement, which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth”.

11. It is thus, obvious that the parties have amicably settled their dispute outside the Court.

12. Having regard to the nature of the dispute and the stand of the parties and the facts noted above, it is deemed necessary in the interest of justice to allow the present application specially in view of the judgment of the Supreme Court in the matter of **Gian Singh vs. State of Punjab [(2012) 10 SCC 303]** wherein it has been held that criminal cases particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of **matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their dispute**, the High Court would be justified in quashing a criminal proceeding or FIR or complaint in exercise of inherent jurisdiction



even if offences are non-compoundable.

13. Accordingly, Complaint Case No. 1092 of 2015 corresponding to Tr. No.1819 of 2016 pending before the learned Sub Divisional Judicial Magistrate, Aurangabad is hereby quashed.

14. The application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2017
Transmission Date	08.09.2017

