

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29625 of 2014

Arising Out of PS.Case No. -1123 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Smt. Sunanda Singh @ Rani Singh Wife of Narendra Singh
2. Narendra Singh Son of Harendra Prasad Singh
3. Harendra Prasad Singh Son of Late Ramdayal Singh All Resident of 17A,
Gali No. 2, Lxmi Bihar, Mohan Garden Uttam Nagar, New Delhi, P.S.-
Uttam Nagar, District - New Delhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Divya Singh Wife of Sandeep Kumar Singh and daughter of Jay
Shankar Singh Resident of Village - Dhari Farm, Balmiki Nagar, P.S.-
Balmiki Nagar, District - West Champaran (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan
For the State : Mr. Dashrath Mehta, (App)
For the O.P.No.2 : Mr.B. Pandey.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

6 27-03-2017 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and the learned counsel

for the O.P.No.2.

This application is directed against the order dated
23.03.2013 passed in complaint Case No.1123 (C)/2012 whereby
the court of S.D.J.M., Bagaha, West Champaran, summoned the
accused- petitioners, on enquiry under Section 202 Cr.P.C.,
finding prima facie case under Sections 323, 379, 420, 498(A) of



I.P.C.

Learned counsel for the petitioners submits that on 24.04.2015 order was passed for full and final settlement of all the dispute between the O.P. No.2 and her husband and in-laws with direction that the spouses will file an application under Section 13B of the Hindu Marriage Act before the Principal Judge, Family Court, West Champaran at Bettiah, in Divorce Case No.132 of 2014 within a period of four weeks from the date of receipt of this order. The husband of O.P. No.2 on the first day of motion will pay Rs.2/- lacs by way of demand draft in favour of the complainant, O.P.No.2. On the day of final motion the husband will further pay a sum of Rs.6/- lacs upon which a decree of divorce shall be passed. Till further order, further proceedings of Complaint Case No.1123C/12 pending in the court of S.D.J.M., Bagaha, West Champaran, shall remain stayed. No coercive step shall be taken against Sandeep Kumar Singh, husband of O.P.

In view of the order dated 24.04.2015 petition under Section 13B of the Hindu Marriage Act was filed by the O.P.No.2 and her husband, Sandeep Kumar Singh in the court of the Principal Judge, Family Court, West Champaran at Bettiah, and



draft of Rs.2/- lacs was handed over by Sandeep Kumar Singh to O.P. No.2. At the time of passing the order of divorce on mutual consent in Divorce Case No.132 of 2014 Rs. 6/- lacs was handed over by Sandeep Kumar Singh husband of O.P.No.2 to her. As such, dispute between O.P. No.2 and her husband and in-laws has already been settled.

Learned counsel appearing on behalf of O.P.No.2 submits that in view of order dated 24.04.2015 passed in the present case the O.P.No.2 and her husband Sandeep Kumar Singh had filed the petition under Section 13B of Hindu Marriage Act and decree of divorce is passed on the mutual consent and Rs.8/- lacs is paid to O.P.no.2 by her husband Sandeep Kumar Singh. As such, she does not want to proceed with the Complaint No.1123 (C) of 2012 pending before the court of S.D.J.M., Bagaha, West Champaran, in which petitioners who are her sister-in-law, brother-in-law and father-in-law and also her husband Sandeep Kumar Singh have been summoned through impugned order, under Section 204 Cr.P.C., on enquiry, finding a prima facie case under Sections 341, 323, 504, 420, 406, 498A/34 of I.P.C.

Since the matrimonial dispute between O.P. No.2



with her in-laws petitioners and her husband Sandeep Kumar Singh has been settled, therefore it would be futile exercise to continue the proceeding of Complaint Case No.1123 (C)/12 pending in the court of the S.D.J.M., Bagaha, West Champaran, Accordingly, the impugned order dated 22.03.2013 passed in Complaint Case No.1123 (C) of 2012 pending in the court of S.D.J.M., bagaha, West Champaran, summoning the petitioners, in-laws and Sandeep Kumar Singh the husband of O.P.No.2 is hereby quashed.

(Rajendra Kumar Mishra, J)

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