

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40994 of 2014

Arising Out of PS.Case No. -183 Year- 2013 Thana -BARBIGHA District- SEIKHPURA

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1. Ram Chandra Pd. Singh Son of Late Indradeo Prasad
2. Smt. Tileshwari Devi wife of Ramchandra Pd. Singh
3. Shiv Shankar @ Chhotu son of Ramchandra Pd. Singh
All residents of village- Kapsiwama, P.S.- Hilsa, District- Nalanda at present Dubey
Niketan Moh. Lohanipur, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Pammi Kumari D/o Surendra Prasad Singh, resident of Village - Dumri P.S.
Barbigha (Keoti O.P.), District Sheikhpura

.... (Informant) Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sachidanand Chaudhary, Advocate.
For the State : Mr. Mustaq Alam, Advocate.
For the Opp. Party no. 2 : Mr. Sanjeev Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the petitioners and learned
counsel representing the informant - opposite party no. 2 as well as
learned A.P.P. for the State.

2. Petitioner no. 1 is the father-in-law, petitioner no. 2 is
the mother-in-law and petitioner no. 3 is the younger brother of the
husband of the informant-opposite party no. 2. All the petitioners are
seeking quashing of the order dated 02.12.2013 passed by learned
Chief Judicial Magistrate, Sheikhpura in Barbigha P.S. Case No. 183
of 2013 in which cognizance has been taken under Sections 498A,
379/34 I.P.C. read with Sections 3/4 of the Dowry prohibition Act.



3. On the last date when the matter was taken up, both the parties informed this Court that in view of the settlement already arrived at between the parties this criminal proceeding has to go. This Court was informed that a compromise has been entered into and the same has also been acted upon pursuant to which the opposite party no. 2 has received a sum of Rs. 6,00,000/- (six lakhs) in cash by way of one-time-settlement and is not willing to continue with the present case but her grievance was that despite there being an unequivocal promise made by her husband that he would also be ready to take steps for divorce, he was not cooperating by putting appearance before the Sheikhpura court where the matrimonial case is pending.

4. This Court passed a detailed order dated 04.10.2017 recording the submissions of the parties. Today, the Court has been informed that the husband has already entered appearance in the matrimonial case pending at Sheikhpura and step is being taken to file an application under Section 13B of the Hindu Marriage Act for which the opposite party no. 2 has also arrived from outside and both the parties shall be signing the petition and filing the same in the court on 13th October, 2017.

5. Both the parties are, however, raising a doubt against each other by saying that once this case is disposed of, perhaps one of them may resile from his/her promise to put an end to the matrimonial



matter and one of them may avoid participating in the proceeding before the matrimonial court which will cause harassment to another party.

6. Both the learned counsel for the petitioners as well as the opposite party no. 2 are unanimous once again in their approach that the criminal proceeding need not be continued and it would not be in the interest of justice to allow further continuance of the criminal proceeding.

7. In view of the settlement and joint submission this Court does not see any reason not to set aside the impugned order against these petitioners. The impugned order dated 02.12.2013 passed by the learned Chief Judicial Magistrate, Sheikhpura in Barbigha P.S. Case No. 183/2013 is accordingly quashed as against these petitioners.

8. It is made clear that both the parties shall abide by the undertakings given by their respective lawyers that their clients would abide by the dates fixed in the court below for filing of the application under Section 13B of the Hindu Marriage Act and taking steps for final culmination of the matter within a reasonable time. In case of failure of one of them in doing the needful before the court below for final conclusion of the case it will be a case of breach of the undertaking and either party would be free to take appropriate steps



for violation of the undertakings given before this Court.

10. In the nature of the case this Court feels it expedient to say that the learned Principal Judge, Family Court, Sheikhpura will ensure speedy disposal of the matter.

11. The application is disposed of with the directions and observations as above.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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