

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29521 of 2012

Arising Out of PS.Case No. -916 Year- 2011 Thana -null District- BHAGALPUR

- =====
1. Pramila Thakur, wife of Mr. Hira Nath Thakur, resident of Gandak Colony, P.S. Chapra Town District-Chapra,
 2. Rewati Raman Vishewar, son of Mr. Lakhan Jha, resident of 9, Rail Vihar, Sector-33, Noida, &
 3. Abhidha Seth, wife of Mr. Rewati Raman Vishewar, resident of 9, Rail Vihar, Sector-33, Noida.

.... Petitioners

Versus

1. The State of Bihar &
2. Anjana Thakur, D/O Retd. Lt. Col. Ashok Kumar Thakur, resident of village-Manikpur, Police Station-Shahkund, Post Office, Ratanpur, District-Bhagalpur

.... Opposite Parties

with

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Criminal Miscellaneous No. 39325 of 2012

Arising Out of PS.Case No. -916 Year- 2011 Thana -null District- BHAGALPUR

- =====
1. Lakhan Jha, son of Late Bhairab Jha, resident of Neelayam, Maya Pahar, Deosangh, Deoghar, Jharkhand &
 2. Sushila Jha, wife of Mr. Lakhan Jha, resident of Neelayam, Maya Pahar, Deosangh, Deoghar, Jharkhand.

.... Petitioners

Versus

1. The State of Bihar &
2. Anjana Thakur, d/o Retd. Lt. Col. Ashok Kumar Thakur, resident of village-Manikpur, Police Station-Shahkund, Post Office-Ratanpur, District-Bhagalpur.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.29521 of 2012)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.39325 of 2012)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 26-04-2017

Heard both sides.



2. Two Cr.Misc. bearing No.29521 of 2012 and 39325 of 2012 have been filed for quashing the complaint Case No.916 of 2011 (along with cognizance order) pending before the Court of SDJM, Bhagalpur.

3. The Opposite Party No.2 before this Court is the complainant before the court below. She has filed the aforesaid complaint case on the file of CJM, Bhagalpur alleging inter-alia that she was married with Nilamber Jha on 28.05.2006. After marriage she visited at the place of her husband where her husband and his brother started saying that the complainant is not suitable to their liking and their parents forcibly got the marriage performed. They started torturing the complainant and lastly ousted her from their house. She has further alleged that she is presently residing with her female child at the place of her father as the in-laws has refused to keep her unless an amount of Rs.15,00000/- is given to them.

4. Perused the record, the petitioners of Cr.Misc.No.29521 of 2012 are married Nanand, Dewar and Dewarani and petitioners of Cr.Misc.No.39325 of 2012 are parents-in-laws of the complainant. The husband of the complainant is not petitioner before this Court. From the submission of counsel for the petitioners and materials on record, I find that the petitioners of Cr.Misc.No.29521 of 2012 have claimed to be resident of different district quite unconcerned with the affairs of complainant or her husband. The petitioner Abhidha Seth, being Nanand of complainant was married on 28.06.1991, i.e., 21 years ago and petitioner nos.2 and 3 are married brother-in-law of complainant residing at Noida in Utter Pradesh. From the complaint petition as well as statement of witnesses examined at the time of inquiry, it appears that no specific



act of cruelty has been alleged against the petitioners. The main grievance of the complainant appears against her husband as at para-8 of the complaint petition, she has averred that her husband is an Advocate and he requires money for purchasing flat at Jaipur for doing practice in legal side. The counsel for the petitioners in course of argument produced copy of order dated 23.11.2016 passed by Principal Judge, Bhagalpur in Matrimonial Case No.452 of 2014 and submitted that the complainant and her husband have settled their dispute by entering into compromise. In the light of the compromise the divorce case lodged by her husband has been dismissed. The Miscellaneous Case no.60 of 2011 has also been dismissed by the Principal Judge, as per order dated 23.11.2016. Both the cases instituted by wife and husband has been settled.

5. Considering the aforesaid material on record and also the settlement between the parties, the continuation of aforesaid case against the petitioners appears to be abuse of process of the Court. As such both the Cr.Misc. petitions are allowed and prosecution with respect to the petitioners is quashed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.05.2017
Transmission Date	02.05.2017

