

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43656 of 2013

Arising Out of PS.Case No. -87 Year- 2004 Thana -GAYA KOTWALI District- GAYA

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Md. Zahid S/O Md. Zainul Hassan Resident Of Village- Ahijan, Police Station- Athmal Gola, District- Pata.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Samira Khatoon D/O Abdul Hanan Resident Of Mohalla- 40, Rifle Range Road, Kolkata- 19

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey
For the Opposite Party/s : Dr. M.K. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT
Date: 18-07-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 22.08.2008, passed by Chief Judicial Magistrate, Gaya in Gaya Kotwali P.S. Case No. 87 of 2004, whereby cognizance under section 498A, 307, 120B of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act has been taken against the petitioner.

Facts of the case, in short, is that the present first information report was lodged by the informant against four named accused persons including this petitioner, who is husband of the informant. After investigation, police submitted final form (Annexure-3) finding the case to be not true. On filing several



applications by the informant, the case was reinvestigated. Witnesses were produced and their statement under section 164 Cr. P.C. (Annexure-4) was recorded. None of the witnesses supported the prosecution case. Police again submitted the final form vide Annexure-5. Thereafter Magistrate took cognizance of the offence as per impugned order. All the named accused persons except petitioner came before this Court for quashing the order taking cognizance by filing Cr. Misc. No. 46886 of 2008. This Court vide order dated 25.07.2013 (Annexure-6) allowed the application and quashed the entire proceedings including the order taking cognizance dated 22.08.2013. Thereafter petitioner approached this Court by filing the present quashing application. Vide order dated 26.04.2017, the matter was referred to the Mediation Centre. Report of the Mediation Centre is at Flag "Z". Perusal whereof shows that the matter has been compromised between the parties. Parties have filed a joint compromise petition stating that they are living together since one year. Joint compromise petition is attached with the Mediation Report.

The contention of the learned counsel for the petitioner is that the matter has been compromised between the parties, and as such prays for quashing of the entire proceedings as well as the order taking cognizance.



From perusal of the materials available on record and the submissions made above, it is evident that the matter has been compromised between the parties and they are living together happily. The Hon’ble Supreme Court in the case of *Gian Singh Versus State of U.P.* reported in *(2012) 10 Supreme Court Cases 303* has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to the Hon’ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to a heinous offence, the proceedings may be quashed.

In view of the above, the present application is allowed and the entire proceeding including the order taking cognizance dated 22.08.2008 passed by the Chief Judicial Magistrate, Gaya in Gaya Kotwali P.S. Case No. 87 of 2004 is, hereby, quashed.

The application accordingly stands allowed.

(Arvind Srivastava, J)

Manish/-

AFR/NAFR	AFR
CAV DATE	11.07.2017
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