

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16185 of 2014

Arising Out of PS.Case No. -1694 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Manzoor Alam @ Md. Manjoor Alam S/O Md. Altaf Hussain Resident Of
Mohalla Sandalpur, Police Station and District Araria. At Present Headmaster, High
School Balrampur, Police Station Balrampur, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kohinoor Khatoon D/O Moinul Haque Resident of Village Baldiyagachi, Police
Station Balrampur, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Najmul Hoda, Advocate.

For the Opposite Party : Mr. C. Sen Pd. Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 29-01-2018

A supplementary affidavit has been filed in Court. Let it
be taken on record.

2. Heard the parties.

3. The petitioner has challenged the order dated
07.03.2014 passed by the learned Sub-Divisional Judicial Magistrate,
Katihar in connection with C.A. Case No. 1694 of 2013 whereby
cognizance has been taken against him under Sections 498(A)/34 of
the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

4. Pursuant to the notice issued to the opposite party no.
2, she had appeared before this Court through a counsel and thereafter
the matter was sent to the mediation centre for exploring the
possibilities of settlement between the spouses.

5. The learned counsel for the petitioner has submitted
that despite several dates in the mediation proceedings, the opposite



party no. 2 did not ever turn up for conciliation. However with the efforts of the well wishers of the parties, an out of court settlement was arrived at between the petitioner and the opposite party no. 2 and by virtue of the aforesaid settlement, the petitioner has paid an amount of Rs. 3 lakhs to the opposite party which has been accepted by her on her full satisfaction. It has also been submitted on behalf of the petitioner that the opposite party no. 2 has now remarried and is living happily with her husband. The aforesaid contention of the petitioner has not been disputed by the learned counsel for the opposite party no. 2.

6. In the aforesaid circumstances, continuance of any proceeding against the petitioner would only be an abuse of the process of the court and no useful purpose thereby would be served.

7. For the facts stated above, the order dated 07.03.2014 passed by the learned Sub-Divisional Judicial Magistrate, Katihar in connection with C.A. Case No. 1694 of 2013 whereby cognizance has been taken under Sections 498(A)/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act as well as all the emanating proceedings arising therefrom are quashed.

8. The application stands allowed.

(Ashutosh Kumar, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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