

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30438 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Choudhary Krishna Kanhaiya Roy @ Choudhary Krishna Kanhaiya Rai.
 2. Choudhary Krishna Nand Roy @ Krishna Nand Rai
- Both sons of Choudhary Raghunath Roy @ Chy. Raghunath Rai.
3. Choudhary Raghu Nath Roy @ Chy. Raghunath Rai, son of late Choudhary Kameshwar Roy.
 4. Sudhira Devi, wife of Choudhary Raghu Nath Roy @ Chy. Raghunath Rai.
- All S.No. 1 to 4 residents of Village-Batho, Tole, Laxmiur, Police Station-Bahera, Sub-Division: Benipur, District-Darbhanga.
5. Kamla Choudhary @ Kamla Devi Choudhary, Daughter of Choudhary Raghu Nath Roy @ Chy. Raghunath Rai, resident of Village-Batho, Tole, Laxmiur, Police Station-Bahera, Sub-Division-Benipur, District-Darbhanga.
 6. Heera Jha @ Heera Devi Jha @ Heera Devi, Daughter of Choudhary Raghu Nath Roy @ Chy. Raghunath Rai, resident of village-Batho, Tole, Laxmiur, Police Station-Bahera, Sub-Division-Benipur, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Krishna Kanhaiya Roy, (wife of Kanhaiya Roy @ Choudhary Krishna Kanhaiya Roy), Daughter of Ram Lala Jha @ Ram Lala Badrinarain Jha, Block No.13, Quarter No.897, at Nehru Nagar Sasahat, Nasik Road, District-Nasik (Maharastra) PIN-422401.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha-2, Adv.
For the Opposite Party No.1	:	Mr. Rana Randhir Singh, APP
For the Opposite Party No.2	:	Mrs. Shama Sinha, Adv.
		Miss. Kumari Shubham, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-09-2018 Petitioners, in the present case, are seeking quashing of the order dated 25.02.2017 passed by the learned ACJM, Benipur in G.R.No.130/2015, arising out of Bahera Police Station Case No.132 of 2015, whereby and whereunder the learned ACJM has been pleased to take cognizance and summon the accused



petitioners for facing trial for the alleged offences under Section 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the dispute, which arose on account of matrimonial discord, has virtually been settled amicably as petitioners agreed to pay a sum of Rupees fifteen lacs to the opposite party no.2 as a condition of settlement by month of February, 2018. The opposite party has agreed in course of hearing of Cr.Misc.No.31397 of 2015 that on receipt of such payment she will withdraw all matters filed by her pending in other courts, if any. Learned counsel submits that since the entire payment has been made to the opposite party no.2, the order taking cognizance dated 25.02.2017 passed by the learned ACJM is fit to be set aside.

The opposite party no.2 has appeared through her lawyer. Learned counsel representing the opposite party no.2 accepts the submissions advanced on behalf of the petitioners and submits that having received the entire amount now she has no objection if the impugned order is quashed by this Court.

Considering the nature of the case, which arose on account of a matrimonial discord, and the fact that the parties have settled their dispute amicably and there is no objection on behalf



of the opposite party no.2 in the matter of quashing of the impugned order, this Court finds no reason not to grant the reliefs prayed for in this application.

The impugned order dated 25.02.2017 passed by the learned ACJM, Benipur in G.R.No.130/2015, arising out of Bahera Police Station Case No.132 of 2015, is hereby quashed and the application is allowed.

Learned counsel for the petitioners, at this stage, submits that the opposite party no.2 be directed to abide by her undertaking given before this Court in Criminal Miscellaneous proceeding and by abiding by the same she should file an appropriate application in the pending matrimonial case and in the criminal case at Nasik.

In the present proceeding under Section 482 Cr.P.C., this Court would refrain from issuing any direction to the opposite party no.2. In case the petitioners find that the opposite party no.2 is not abiding by her own undertaking given before the Court, they may seek their remedy by filing an appropriate application. Liberty is granted to the petitioners.

(Rajeev Ranjan Prasad, J)

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