

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10388 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Gangeshwari Devi, wife of Rameshwar Baitha, resident of L/10, Shanti Kunj,
Mohalla- Shri Krishnapuri, Police Station- Shri Krishnapuri, District- Patna.
.... Petitioner/s

Versus

1. The State of Bihar
2. Menka Devi, wife of Tarak Nath, at present residing at A.C.F., Forester
Training School, Mahilong, Ranchi.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate
Mr. Amit Prakash, Advocate
For the Opposite Party No.1 : Mr. Jharkhandi Upadhyay, APP
For the Opposite Party No.2: Mr. Ram Shankar Prasad, Sr. Advocate with
Mr. Dheeraj Kumar Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 15-02-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.02.2012 passed by the Additional Sessions Judge, Fast Track Court No.5, Patna, in S. Tr. No.419 of 2003 arising out of S. K. Puri P.S. Case No.10 of 2002 by which he has dismissed the application filed by the petitioner for her discharge under Section 227 of the Code of Criminal Procedure.

Counsel for the petitioner and Opposite Party No.2 as well as learned APP are present.

It has been submitted by the counsel for the petitioner



that husband and wife have been granted decree of divorce with mutual consent by the Principal Judge, Family Court, Patna, in Matrimonial Case No.810 of 2017 by judgment dated 05.02.2018.

Petitioner is mother-in-law of the informant. From the impugned order, it appears that the learned Court below has rejected the petition filed by the petitioner for her discharge under Section 227 Cr. P.C. and has held that there is sufficient evidence in the case diary against the petitioner for the offence under Section(s)498-A and 323 Indian Penal Code.

Learned counsel for the petitioner has relied on the decision of the Hon'ble Supreme Court in the case of *K. Srinivas Rao vs. D. A. Deepa* reported in *2013(1) PLJR SC 321* and has submitted that where in course of mediation, the parties decided to part company on mutually agreed terms, complaint is required to be quashed.

Learned counsel for the Opposite Party No.2 is present. He has supported the submission of the petitioner that judgment of divorce with mutual consent has already been passed by the Principal Judge, Family Court, Patna.

In such view of the matter, since the petitioner is mother-in-law of the Opposite Party No.2-informant, this Court is of the view that continuance of the proceeding against the petitioner



will be mere harassment to her and abuse of process of Court.

Therefore, impugned order dated 09.02.2012 passed by the Additional Sessions Judge, Fast Track Court No.5, Patna, in S. Tr. No.419 of 2003 arising out of S. K. Puri P.S. Case No.10 of 2002 along with entire criminal proceeding with respect to the petitioner is hereby quashed.

This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20-02-2018
Transmission Date	20-02-2018

