

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.218 of 2016

Arising Out of PS. Case No.-211 Year-2014 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. Gopal Duivedi s/o late Ramakant Duivedi
 2. Rajesh Kumar Duivedi
 3. Rupesh Kumar Duivedi both S/o Gopal Duivedi
 4. Ramawati Devi W/o Gopal Duivedi
 5. Arati Kumari D/o Gopal Duivedi All r/o Sishawa Kharar P.S.-
Kalayanpur, Dist. East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Devi W/o Rajesh Kumar Duivedi d/o Umakant Pandey r/o Bhaghari
Bairaghi, P.S. Kalayanpur, Dist. East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-08-2018 None appeared on behalf of the petitioner. Learned
counsel for the opposite party no.2 is present.

This petition under Section 482 Cr. P.C. has been filed
for quashing the order dated 29.9.2015 passed by Judicial
Magistrate, East Champaran in Enquiry no. 360 of 2015,
arising out of complaint case no. 211 of 2014 by which learned
Magistrate has found *prima facie* case against the petitioners



under Section 498A of the I.P.C.

The counsel for Opposite party no.2 has pointed out order dated 1.12.2017 passed in Cr. Misc. no. 18749 of 2017, wherein, it is mentioned that both the parties have settled their dispute in Mediation Centre, Patna High Court, in terms of one time settlement. They have decided to live separately. In terms of that settlement Rs. 3,00,000/- (three lacs) will be paid by the petitioner to complainant-opposite party no.2 in six installments, as detailed in the agreement dated 21.11.17 which is part of the Mediator's report dated 23.11.2017. Accordingly, Rs. 30,000/- has been paid and rest amount in further five installments is to be paid till 14.8.2017 in the court below and both parties will withdraw their cases pending between them.

In such circumstances, in terms of agreement entered into between the parties this Court deems it fit to direct the party to file necessary petition in the court below along with terms of agreement dated 21.11.2017 entered into between the parties in Patna High Court Mediation Centre and the same will be disposed of by Court below in accordance with law.

The Court below has passed the impugned order after looking into allegation in the complaint, S.A. of complainant, statement of six witnesses recorded during enquiry.



Therefore, this Court does not find any illegality in the impugned order. This Cr. Misc. petition is, accordingly, disposed of with observation made above.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

