

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6296 of 2016

Arising Out of PS.Case No. -1373 Year- 2013 Thana -MADHEPURA COMPALINT CASE
District-MADHEPURA

- =====
1. Shailendra Kumar Karan @ Shailendra Son of Late Digambar Lal Das
Resident of Mohalla - Patna Slam - 20, Kankarbagh Colony, Patna, P.S.
Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sadhna Kumari Wife of Shailendra Kumar, Daughter of Diwakar
Prasad Das Resident of village - Murliganj, Ward No. 6, Police Station
- Murliganj, District - Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 12-10-2018 Heard learned counsel for the petitioner as well as
learned APP.

It happens to be a dispute amongst the spouses in the
background of marital discord.

Learned counsel for the petitioner has submitted that
petitioner is ready to keep his wife. It has also been submitted that
petitioner has offered the same before the trial court also but no
positive step has been taken at the end of complainant/O.P. No.2.

Learned APP opposed the prayer.

By catena of decisions, irrespective of offence being
non compoundable whenever such offer has been made and
accepted by the wife, the ultimate result gives nod at the end of



court.

In some cases, there also happens to be refusal and the aforesaid refusal is to be seen by the court in the background of circumstance, whether behavior of husband appears to be crocodile tears having a genuine ground to the wife to turn down the offer and in some cases, there may be rigidity on account of vanity or otherwise of the wife to stay away from the husband or, there happens to be inappropriate condition at the end of wife. After all, it happens to be the trial court which has to perceive the same, not only to perceive the same but to pursue the spouses to come to the terms also.

The aforesaid observation will serve the purpose, grievance of the petitioner. In terms thereof, the instant petition is dispose of.

(Aditya Kumar Trivedi, J)

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