

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4443 of 2016

Arising Out of PS.Case No. -890 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Md. Muhibur Rahman @ Md. Mohibul Rahman, Son of Saheb Jaan,
2. Shamina Khatoon @ Munni Khatoon, Wife of Md. Muhibur Rahman,
3. Masroor Alam, Son of Md. Muhibur Rahman,
4. Shamira Khatoon, Daughter of Md. Muhibur Rahman,

All are resident of village - Madhopur, Post Office - Kishanpura, Police Station - Waris Nagar, District - Samastipur. At present residing at Md. Shaikh Sarai, Phase - II, Quarter No. 7, Near Shahid Bhagat Singh College, Police Station - Malviya Nagar, District - South Delhi - 17.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Serat Khatoon, wife of Md. Mahboob Aalam, Daughter of Md. Tasleem, Resident of village - Madhopur, Post Office - Kishanpura, P.S. - Waris Nagar, District - Samastipur. At present resident of Sundarpur Ratwara, Police Station - Pear, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.
For the Opposite Party No.2 : Mr. Ashhar Mustafa, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.01.2015 passed by learned Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 890 of 2014 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and other accused person for the offences under Section 498A/34 of the Indian Penal Code.



2. Heard learned counsel for the petitioners, learned counsel for the opposite party No. 2 and State.

3. Counsel for the petitioners submits that matter was sent to Mediation Centre where parties have entered into agreement. The Memorandum of Agreement has been prepared which is available on record along with report of the Mediator kept at Flag "A".

4. As per Memorandum of Agreement between the parties, the petitioners were required to make payment of Rs.3,50,000/- to opposite party No. 2 within a period of three months. It is mentioned in Memorandum of Agreement that both parties will withdraw civil and criminal cases pending against them before payment of money to the opposite party No. 2 by petitioners.

5. Counsel for the opposite party No. 2 submits that money is still due which is to be paid by the petitioners to opposite party No. 2.

6. In such circumstances, this Court is not inclined to interfere with the impugned order.

7. This Criminal Miscellaneous application is disposed off with a direction to the petitioners to appear before the court below and make payment of the amount as mentioned in the agreement and, thereafter, both parties will abide by the terms and condition as mentioned in the Memorandum of Agreement entered



into between them. The petitioners will file copy of Memorandum of Agreement along with petition filed in the court below for appropriate order.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24/09/2018
Transmission Date	24/09/2018

