

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4653 of 2016

Arising Out of PS.Case No. -2521 Year- 2012 Thana -SIWAN COMPLAINT CASE District-
SIWAN

- =====
1. Mithilesh Kumar Ram, Son of Sri Ambika Ram,
 2. Shailesh Kumar Ram, Son of Sri Ambika Ram
 3. Ambika Ram, Son of Late Lalak Ram
 4. Sheopati Devi, Wife of Sri Ambika Ram
 5. Chandrawati Devi, Wife of Kameshwar Ram,
- All are residents of village- Samhauta, P.S.- Kopa, District- Saran
6. Satyendra Ram, Son of Swaminath Ram, Resident of village- Bhalua, P.S.- Ekma, District- Saran
 7. Kishori Devi, wife of Prabhu Ram
 8. Akhilesh Ram @ Aklesh Ram, son of Prabhu Ram
 9. Ranjit Ram, son of Prabhu Ram
- Sl. Nos. 7 to 9 are residents of village- Barwa, P.S.- Ekma, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi, Wife of Mithilesh Ram, Daughter of Sri Kishun Ram, Resident of village- Samhauta, P.S.- Kopa, District- Saran, presently resides at Village- Ujay, P.S.- Daraunda, District- Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Prasad Sinha, Advocate.

For the Opposite Party/s : Dr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.02.2015 passed by learned Judicial Magistrate, 1st Class, Siwan in Complaint Case No. C2521 of 2012 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 petitioner and learned counsel for the State.

3. Counsel for the petitioner has submitted that matter has been settled between husband and wife in the Mediation Centre. Both are living together as husband and wife. During course of living together, one son has also been born from their relationship.

4. The report of the Mediator has been received and kept at Flag-“A”.

5. Both husband and wife are present in Court during hearing of the case. They have stated that they are living together happily.

6. Petitioner No. 1 is husband and other petitions are family members of husband of the complainant.

7. Since good sense has prevailed between the parties and both husband and wife are living together peacefully, the continuation of criminal proceeding against the petitioners will be abuse of the process of law.

8. Therefore, the impugned order dated 16.02.2015 passed by learned Judicial Magistrate, 1st Class, Siwan, in Complaint Case No. C2521 of 2012 along with the entire criminal proceeding against the petitioners is hereby quashed.



9. This Criminal Miscellaneous application is accordingly allowed.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/09/2018
Transmission Date	27/09/2018

