

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27972 of 2016

Arising Out of PS.Case No. -91 Year- 2013 Thana -KASHICHAK District- NAWADA

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1. Arbind Kumar son of Gopal Prasad
 2. Gopal Prasad son of Bisheshwar Lal
 3. Kanhaiya Lal @ Kanhaiya Kumar son of Gopal Prasad
 4. Sneha @ Guriya Kumari daughter of Gopal Prasad
- Petitioner No.1 to 4 are resident of village- Telwa, P.S.- Simultalla,
District-
Jamui
5. Suraj Kumar son of Kedar Lal
 6. Kiran Devi wife of Suraj Kumar
 7. Vijay Prasad son of Awadh Narayan Lal
 8. Sarita Barnwal @ Sarita Devi wife of Vijay Prasad
- Petitioner No.5 to 8 are resident of Mahalla-Dalsinghsarai Kali Sthan, Main
Bazar, P.S. Dalsinghsarai, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Neelam Kumari daughter of Mahesh Prasad, resident of village- Daulachak,
Kashichak Bazar, P.S.- Kashichak, District-Nawadah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
: Mr. Dr. Anjani Prasad Singh, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 07.05.2016 passed in Kashichak P.S.Case No.91 of 2013 by the learned Judicial Magistrate, 1st Class, Nawadah whereby the petitioners have been summoned to face trial for the offences punishable under Section 498A of the Indian Penal Code and Section



4 of the Dowry Prohibition Act.

2. The afore-stated Kashichak P.S. Case No.91 of 2013 was instituted on 05.12.2013 by Opposite Party No.2 Neelam Kumari against her husband Arbind Kumar (petitioner no.1) and his relatives for subjecting her to cruelty for non-fulfillment of dowry demand. After completion of investigation, the police submitted charge-sheet against the accused persons for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. After going through the materials available on record, the learned Magistrate took cognizance of the offences punishable under the Penal Code and the Dowry Prohibition Act by the impugned order dated 07.05.2016.

3. It has been submitted by the learned counsel for the petitioners that the entire dispute arose out of matrimonial discord and incompatibility. However, during pendency of the application before this Court, at the intervention of common relatives and well wishers, good senses prevailed and an amicable settlement has been arrived at between the parties. They have come to the conclusion that in view of their temperamental differences it is not possible for them to continue the matrimonial relationship. They have decided to live apart and bring an end to all the litigations between the parties. He submitted that in view of the amicable settlement, the petitioners have got



prepared a bank draft of rupees two lacs fifty thousand in the name of opposite party no.2 drawn at Bank of Baroda, Patna vide D.D. No.024701 dated 12.07.2018, which has been handed over to the learned counsel appearing for the opposite party no.2. A joint compromise petition has also been filed in this regard. He further submitted that in terms of the compromise the petitioner no.1 has agreed that rupees fifty three thousand deposited by him in the Court of Sub Divisional Judicial Magistrate, Nawadah as a condition for grant of bail be also released in favour of the complainant.

4. Dr. Anjani Prasad Singh, learned counsel appearing for opposite party no.2, has acknowledged the factum of compromise between the parties and receipt of the aforestated demand draft. He submitted that the settlement between the parties is voluntary in nature and the informant does not want to proceed with the matrimonial case against the petitioners any further.

5. Considering the above submissions made on behalf of the parties and the averments made in the supplementary affidavit jointly filed on behalf of the parties, it is amply clear that the parties have settled their disputes amicably outside the court.

6. Keeping in mind the ratio laid down by the Supreme Court in **B.S.Joshi and Others vs. State of Haryana and Another [(2003) 4 SCC 675]**, **Gian Singh vs. State of Punjab [(2010) 15**



SCC 118], Nikhil Merchant vs. C.B.I. [(2008) 9 SCC 677] and Jitendra Raghuvanshi and Others vs. Babita Raghuvanshi and Another [(2013) 4 SCC 58], since the entire controversy had arisen due to domestic and matrimonial discord and differences and since the matter has been amicably settled and the informant is not willing to pursue the matter any further, this Court is of the view that no useful purpose would be served by continuing with the trial of the case.

7. Consequently, the impugned order of cognizance dated 07.05.2016 and the entire criminal proceedings of Kashichak P.S. Case No. 91 of 2013 are hereby quashed.

8. The application stands allowed.

9. The learned Sub Divisional Judicial Magistrate, Nawadah is directed to release the amount deposited in his court by petitioner no.1 in favour of opposite party no.2 forthwith.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.07.2018
Transmission Date	21.07.2018

