

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.557 of 2016

Arising Out of PS.Case No. -854 Year- 2015 Thana -Munger Complaint Case District- Munger

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Pramada @ Puja Daughter of Sri Arvind Kumar Singh, Wife of Shashi Shankar Singh, Resident of Saraiya, P.S. - Kathaiya, District - Muzaffarpur.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Jayati, Wife of Kumar Ashutosh, Daughter of Jai Prakash Singh, Resident of House No. 329, Mohalla - Madhopur, D.N. Road, Post - Basudeopur, P.S. - Kotwali, District - Munger.

..... Opposite Party/s

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with

Criminal Miscellaneous No.4300 of 2016

Arising Out of PS.Case No. -854 Year- 2015 Thana -Munger Complaint Case District- Munger

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Kumari Bharti @ Bharti Kumari Daughter of Sri Arvind Kumar Singh, Wife of Prashant Singh, resident of S.D.O. Road Near S.P. Kothi, Hazipur, District- Vaishali

..... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Jayati, Wife of Kumar Ashutosh, Daughter of Jai Prakash Singh, resident of House No. 329, Mohalla- Madhopur, D.N. Road, Post- Basudeopur, P.S.- Kotwali, District- Munger

..... Opposite Party/s

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with

Criminal Miscellaneous No.4704 of 2016

Arising Out of PS.Case No. -854 Year- 2015 Thana -Munger Complaint Case District- Munger

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Kumar Shartendu Son of Kedarnath Singh, resident of Rambagh Chowck, P.S. Town, District- Muzaffarpur

..... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Jayati, Wife of Kumar Ashutosh, Daughter of Jai Prakash Singh, resident of House No. 329, Mohalla- Madhopur, D.N. Road, Post- Basudeopur, P.S.- Kotwali, District- Munger

..... Opposite Party/s

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with

Criminal Miscellaneous No.33068 of 2016

Arising Out of PS.Case No. -854 Year- 2015 Thana -Munger Complaint Case District- Munger

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1. Arvind Kumar Singh Son of late Dineshwar Prasad Singh



2. Punam Singh Wife of Arvind Kumar Singh
Both residents of village- Nakta, P.O.- Nakta, P.S.- Motipur, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Jayati, Wife of Kumar Ashutosh, Daughter of Jai Prakash
Singh, resident of House No. 329, Mohalla- Madhopur, D.N. Road,
Post- Basudeopur, P.S.- Kotwali, District- Munger.

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.557 of 2016)

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.
Mr. Prashant Sinha, Adv.
For the O.P. No.2 : Mr. Rao Kundan Kumar Karmvir, Adv.
For the State : Mr. Parmeshwar Mehta, APP

(In Cr.Misc. No.4300 of 2016)

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.
Mr. Prashant Sinha, Adv.
For the O.P. No.2 : Mr. Rao Kundan Kumar Karmvir, Adv.
For the State : Mr. Parmeshwar Mehta, APP

(In Cr.Misc. No.4704 of 2016)

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.
Mr. Prashant Sinha, Adv.
For the O.P. No.2 : Mr. Rao Kundan Kumar Karmvir, Adv.
For the State : Mr. Parmeshwar Mehta, APP

(In Cr.Misc. No.33068 of 2016)

For the Petitioner/s : Mr. Vindhyachal Singh, Adv.
Mr. Prashant Sinha, Adv.
For the O.P. No.2 : Mr. Rao Kundan Kumar Karmvir, Adv.
For the State : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 06-10-2018 Respective learned counsels along with spouse are
present.

2. By the grace of the God as well as by way of active
constructive involvement of learned respectively counsels the
spouses have come to terms and those are elaborately detailed
under compromise petition having been filed by way of
supplementary affidavit having endorsed by the spouse along
with respective counsels. After going through the same, it is
evident that the spouse have finally concluded to separate their



ways on a final settlement of Rs.40 lacs and further, they have also resolved that in the aforesaid background the wife will withdraw maintenance case while husband will withdraw the existing divorce case. The subsequent event is to be persuaded in terms of joint petition for divorce in accordance with Section 13B of the Hindu Marriage Act. With regard to criminal case, it has also been resolved that party will file compromise petition before the learned lower court to facilitate acquittal of the accused husband. On terms of compromise, it has been submitted that the instant miscellaneous petitions filed by both Nanad, father-in-law, mother-in-law, cousin brother-in-law (Mamera Bhai of the husband) be quashed.

3. Though not mentioned, but learned respective counsels have stated that spouses have got no siblings. It has also been disclosed at their end that there happens to be no property purchased by either of them in name of either of the spouse.

4. It has also been agreed at the end of the husband that he will continue in making payment of Rs.10,000/- to the wife till full and final payment of Rs.40 lacs. It has further been disclosed that aforesaid settlement amount of Rs.40 lacs is to be paid within six months or even early to that and after full and final payment of Rs.40 lacs, the petition for mutual divorce will be pursued.

5. In the aforesaid background, these petitions, that is Criminal Miscellaneous No.557 of 2016 wherein Pramada @ Puja is the petitioner, Criminal Miscellaneous No.4300 of 2016



wherein Kumari Bharti @ Bharti Kumari is the petitioner are the sister-in-law of Kumari Jayati (wife), Criminal Miscellaneous No.4704 of 2016 wherein Kumar Shartendu is cousin (Mamera) brother-in-law of the Kumari Jayati (wife), Criminal Miscellaneous No.33068 of 2016 wherein Arvind Kumar Singh and Punam Singh who are father-in-law and mother-in-law of the Kumari Jayati (wife), in light of principle laid down by the Hon'ble Apex Court in **B.S. Joshi & Ors. Vs. State of Haryana & Anr.** reported in **AIR 2003 SC 1386** are found to be legally entertainable whereupon, the order of cognizance dated 06.11.2015 passed by the Chief Judicial Magistrate in connection with Compliant Case No.854(C) of 2015 is hereby set aside to the extent of their interest. Consequent thereupon, all these petitions are allowed.

6. However, it is made clear that after filing of compromise petition at the end of spouse (Kumari Jayati as well as Kumar Ashutosh), the learned lower court will proceed and conclude the trial in light of the compromise within fortnight without granting any undue adjournment to either of the parties.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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