

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26490 of 2017

Arising Out of PS. Case No.-567 Year-2016 Thana- HAJIPUR District- Vaishali

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1. Aakash Kumar, S/o Amod Kumar @ Amod Srivastava,
 2. Rekha Devi, W/o Amod Kumar @ Amod Srivastava,
 3. Sunni Kumar, S/o Amod Kumar @ Amod Srivastava,
 4. Sonu Kumar, S/o Amod Kumar @ Amod Srivastava, all are resident of Mohalla- Andar Kila, Kunhara Ghat Road, Hajipur, P.S.- Hajipur, Dist- Vaishali.
 5. Amod Kumar @ Amod Srivastava, S/o Late Yamuna Prasad, all are resident of Mohalla- Andar Kila, Kunhara Ghat Road, Hajipur, P.S.- Hajipur, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priya Sinha, wife of Aakash Kumar, D/o Sri Krishna Kumar Sinha, at present residing at Andar Kila, Sidhi Ghat Road, Hajipur, P.S.- Hajipur Town, Dist- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-07-2018 The petitioners have sought quashing of the FIR pertaining to Hajipur P.S. Case No. 567 of 2016 dated 18.08.2016 instituted for the offences under Sections 406, 498A, 323, 307, 34 and 120B of the Indian Penal Code along with Sections 3/4 of the Dowry Prohibition Act.

The petitioner no. 1 is the husband of opposite party no. 2 whereas petitioner nos. 2 to 5 are related to petitioner no. 1.

Though the aforesaid case was lodged because



of matrimonial dispute but over the period of time, with the counsel of friends and well-wishers and with the assistance of the mediation centre, the dispute between the parties has been settled and all the differences have been ironed out. By virtue of the aforesaid statement, the spouses have decided to part ways amicably and have agreed that a mutually agreeable divorce petition be filed before the competent court. Though no such petition has been filed seeking divorce of petitioner no. 1 with opposite party no. 2 but the learned advocate who has appeared on behalf of opposite party no. 2 has apprised this Court that opposite party no. 2 does not wish to prosecute the petitioners any further in the FIR.

This Court is of the view that allowing the investigation of the subject FIR to be continued would only be an impediment in the process of an amicable settlement between the spouses. Even the allegations levelled in the FIR do not seem to be directed against the society in general and the dispute primarily is with regard to disturbed matrimonial relationship between the petitioner no. 1 and opposite party no. 2.

Regard being had to the fact that the opposite party no. 2 does not wish to prosecute the petitioners any further and the parties have decided to bury the hatchet, this Court is of the view that the subject FIR



needs to be quashed.

For the reasons aforesated, the FIR of Hajipur Town P.S. Case No. 567 of 2016 dated 18.08.2016 is quashed.

The application stands allowed.

(Ashutosh Kumar, J)

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