

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22492 of 2015

Arising Out of PS.Case No. -93 Year- 2013 Thana -NAYA RAM NAGAR District- MUNGER

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1. Ashmita Kumari, wife of Ravi Kumar @ Ravindra Kumar Ravi, daughter of Garib Das,
 2. Veena Devi, wife of Garib Das,
 3. Garib Das, son of late Muni Lal Das,
 4. Guddu Kumar, son of Garib Das, all resident of Mohalla-Sandalpur, P.S.-Kasim Bazar, District-Munger, at present resident of Mohalla- Bapu Nagar, Baluahi, Ward No.24, P.S.-Khagaria, District-Khagaria, &
 5. Abinash Kumar @ Abinash Kumar Poddar, son of Shyam Sundar Poddar, resident of Mohalla- Bapu Nagar, Baluahi, Ward No.24, P.S.-Khagaria, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Ravi Kumar @ Ravindra Kumar Ravi, son of Shri Suresh Das, resident of village-Kala Ram Nagar, P.S.-Naya Ram Nagar, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Singh, Advocate

For the Opposite Party No.1 : Dr. Rabindra Kumar, APP

For the Opposite Party No.2 : Mr. Pankaj Kumar Sinha, Advocate

Mr. Kamal Kishore Jha, Advocate

Mr. Rounak Kumar Singh 'Pankaj', Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-04-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the First Information Report of Naya Ram Nagar P.S. Case No.93 of 2013 instituted for the offence under Section(s) 341, 448, 379, 386, 323, 504, 506/34 Indian Penal Code.

Counsel for the petitioners and the Opposite Party No.2 are present.



Counsel for the petitioners has submitted that there has been dispute between husband and wife and earlier two cases have been filed by the wife against the husband-Opposite Party No.2 and his other family members. Later on, both the parties have agreed for mutual divorce and by judgment dated 19.08.2017 passed in Matrimonial Case No.256 of 2016, marriage between Asmita Kumari (petitioner No.1) and husband (Ravi Kumar), informant of this case, has been dissolved by decree of mutual divorce with mutual consent under Section 13-B of the Hindu Marriage Act.

Instant case has been filed by the husband against the wife-Ashmita Kumari and her family members for the offence under Section(s) 341, 448, 379, 386, 323, 504, 506/34 Indian Penal Code.

Counsel for the petitioners has submitted that cases filed by the wife against the husband-Opposite Party No.2 has already been quashed by co-ordinate Bench of this Court vide order dated 13.09.2017 passed in Cr. Misc. No.37368 of 2014 with Cr. Misc. No.31324 of 2015.

Supplementary Affidavit has been filed by the petitioners today in Court, wherein, it has been mentioned that compromise petition has been filed in the Court below between the parties in the instant case also which is annexed as Anenxure-3, wherein, both the parties have made prayer to dispose off the case on



the basis of compromise entered into between the parties.

Counsel for the Opposite Party No.2, who is representing the husband, has submitted in the Court today that the informant-Opposite Party No.2 does not want to further continue with this criminal proceeding against the petitioners in the Court below after entering into compromise. He has no objection, if appropriate order is passed by this Court.

A report was called for from the Court below about the present stage of the case, which has been received, wherein, the Court below has mentioned that the case is pending for prosecution evidence.

In such circumstances, since mutual divorce has already taken place between the wife (petitioner no.1) and husband (Opposite Party No.2), as stated above, and the parties have also filed compromise petition in the Court below vide Annexure-3 to the Supplementary Affidavit, this Court feels that continuance of the criminal proceeding against the petitioners will be only abuse of process of law and mere harassment to them.

Therefore, entire criminal proceeding against the petitioners in connection with Naya Ram Nagar P.S. Case No.93 of 2013 under Section(s) 341, 448, 379, 386, 323, 504, 506/34 Indian Penal Code is hereby quashed.



This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	11-04-2018
Transmission Date	11-04-2018

