

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.885 of 2016

Arising out of Complaint Case No.-1162 Year-2013 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Daya Shankar son of Ram Dahin Manjhi resident of Village- Barwan, P.S.-
Ander, District- Siwan at presently residing at C-21, DRDO Colony, CIDCO,
P.S.- Ambad, Nasik, Maharashtra- 422009

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibha Kumari Wife of Ravi Shankar resident of Village- Barwan, P.S.-
Ander, District- Siwan at presently residing at Daughter of Surya Deo Prasad,
Village- Bari Yusufpur, P.S.- Industrial Area, District- Vaishali

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 9913 of 2016

Arising out of Complaint Case No.-2807 Year-2013 Thana- SIWAN COMPLAINT CASE
District- Siwan

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Vibha Kumari Wife of Ravi Shankar Resident of Village- Barwan, P.s Ander ,
District Siwan at Present residing at daughter of Surya Deo Prasad, Village-
Bari Yasufpur P.S. Industrial Area (Hajipur) District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Lal s/o Ram Tapeswar Manjhi Resident of Village-Barwan P.S Ander
district Siwan.

... .. Opposite Party/s



with

Criminal Miscellaneous No. 21090 of 2014

Arising out of PS. Case No.-49 Year-2013 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

Ravi Shankar Son of Ram Dahin Manjhi, Resident of Village- Barwan, P.S.-
Ander, District- Siwan at presently residing at Shastri Nagar, Patna High
Court Quarter, P.S. Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibha Kumari, Wife of Ravi Shankar, Resident of Village- Barwan, P.S.-
Ander, District- Siwan at presently residing at Daughter of Surya Deo Prasad,
Village- Bari Yusufpur, P.S.- Industrial Area, District- Vaishali

... .. Opposite Party/s

with

Criminal Miscellaneous No. 26000 of 2018

Arising out of Complaint Case No.-1162 Year-2013 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Ravi Shankar S/o Ram Dahin Manjhi, R/o Vill.- Barwan, P.S.- Ander,
District- Siwan at presently resident at Shastri Nagar, Patna High Court
Quarter, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Kumari, W/o Ravi Shankar, R/o Vill.- Barwan, P.S.- Ander, District-
Siwan at presently residing at D/o Surya Deo Prasad, Vill.- Bari Yusufpur,
P.S.- Industrial Area, District- Vaishali.



... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Srivastava, Advocate
Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 27-06-2018

The matter is being listed consistently for the last one week. Applicants in Cr. Misc. No. 885 of 2016, 21090 of 2014 and 26000 of 2018 are represented by Smt. Soni Srivastava and Sri Ravi Bhardwaj. They have been appearing on all the dates when the cases were listed. The respondent Vibha Kumari in these three cases who also happens to be the applicant in Cr. Misc. No. 8518 of 2016 disposed of today by another order and Cr. Misc. No. 9913 of 2016 and her counsel are absent.

Considering the fact that the parties have entered into the settlement which is available on record and there is no reason for disbelieving the statement made by the petitioners in Cr. Misc. No. 885 of 2016 in the supplementary affidavit filed along with the settlement, I propose to dispose of the matter in terms of the settlement.



All these four applications have been filed either by the husband Ravi Shankar or his brother Sri Daya Shankar for quashing the criminal proceedings initiated against them and one of the cases Cr. Misc. No. 9913 of 2016 has been filed by the wife Vibha Kumari for quashing the criminal proceedings initiated against her. In fact in the light of certain material dispute that arose between the husband Ravi Shankar and the wife Vibha Kumari these complaint/criminal cases were filed, cognizance of which have been taken and the applications now before this Court are for quashing these proceedings under Section 482 Cr.P.C.

During the pendency of the matter, the issue was referred for mediation to the Patna High Court Mediation Centre and after mediation held in Proceeding No. 929 of 2017, parties have agreed to settle all their disputes in accordance to the agreement entered into and filed their Annexure-8 to the supplementary affidavit on behalf of the petitioner available in the record of Cr. Misc. No. 885 of 2016. The proceedings of mediation indicate that the agreement was entered into on 05.02.2018. The agreement is signed by the husband Sri Ravi Shankar and the wife Smt. Bibha Kumari and counter signed by their counsel Sri Ravi Bhardwaj and Sri Anish Chandra. The



agreement in question reads as under:-

**Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 929 of 2017
[Arising out of Cr. Misc. No. 21090 of 2014]**

An agreement made on 05.02.2018 at the Patna High Court Mediation Centre, between, Ravi Shankar, Son of Ram Dahin Manjhi, resident of Village- Barwan, P.S.- Ander, District- Siwan at presently residing at Shastri Nagar, Patna High Court Quarter, P.S.- Shastri Nagar, District- Patna.----- Petitioner/(First Party).

And

Bibha Kumari, wife of Ravi Shankar, resident of Village- Barwan, P.S.- Ander, District- Siwan at Presently residing at Daughter of Surya Deo Prasad, Village- Bari Yusufpur, P.S.- Industrial Area, District- Vaishali. --- Opposite Party/ (Second party)

The present settlement has been acted upon with the consent of parties on the following terms and conditions:-

1. Both husband and wife have reached on this conclusion that they shall not continue their matrimonial relation and therefore ready to detach amicably either by way of filing a joint petition U/s 13 (B) Hindu Marriage Act, or in matrimonial case No. 63 of 2014 pending before learned Principal Judge, Family Court, Vaishali at Hajipur
2. There are series of Criminal cases pending between the parties filed by themselves or through their relatives which are as follows:-
 - (i) Complaint Case No. 1162 (C) of 2013, pending before learned Sub-Divisional Judicial Magistrate, Hajipur at Vaishali or before concerned court
 - (ii) Industrial Area P.S. Case No. 49 of 2013, pending before learned Sub-Divisional Judicial Magistrate, Hajipur at Vaishali or before concerned court
 - (iii) Ander P.S. Case No. 35 of 2015 pending before learned Judicial Magistrate, Siwan or before concerned court
 - (iv) Complaint Case No. 2807 of 2013 pending before learned Judicial Magistrate, Siwan or before concerned court
 - (v) Matrimonial Case No. 63 of 2014 pending before learned Principal Judge, family Court, Vaishali

Parties are hereby agree that they shall take every steps for closing of all above 4 (Four) Criminal cases either by way of filing quashing/Cr. Revision application or by way of filing compromise or as advised by their lawyers.

3. That both husband and wife are working and having their self earnings as such there is neither demand of permanent alimony nor any demand of maintenance between them and neither there will be any claim for maintenance of any kind for their daughter namely Khushi from the side of mother.
4. That from the matrimonial relation of husband and wife there is one daughter namely Khushi aged about 10 years presently residing in the custody and guardianship of the mother namely Bibha Kumari.
5. That mother and father both are natural guardian of their child and therefore both party shall have right to sue for the guardianship of the child before the court of competent jurisdiction.
6. That one of the terms of this agreement is that the husband shall have right to meet/visit to his daughter in the school where she is reading. The date of meeting shall be either on the second Saturday or on the 4th Saturday or both the days subject to the condition that the daughter is willing to meet her father. The co-ordination in this regard shall be made by the advocate of the opposite party No. 2 namely Sri Anish Chandra, Advocate, Patna High Court (Mobile Number 9881019539) upon payment of Rs. 2,000/- (Rupees Two Thousand) per meeting payable by the opposite party no. 2 Bibha Kumari for arranging the meeting and Rs. Five Thousand (5,000/-) each on the dates the Advocate personally visits for arranging the meeting, which shall be paid in advance.
7. That the right of visitation shall be started only after closing of all the criminal



cases and the degree of divorce. Both the parties are jointly agreed that they shall take every steps to close the cases at the earliest. It shall be open option for the parties that they may file quashing/Cr. Revision application in which the concerned opposite party No. 2 shall appear and support in closing of the case in the High Court or before trial court or concerned court by way of filing compromise and adducing respective evidence preferably within 3 (three) months.

8. The daughter Khushi shall meet with her father in presence of principal or the class teacher of her school where she is reading.
9. That in case the daughter Khushi herself refuses to met with her father than father shall have right to take permission from the court of competent jurisdiction (family court) for visitation.
10. That both the parties assure to each other that after this settlement they shall not file any litigation against each other either themselves or through their relations and/or their families (but right to sue for guardianship is beyond the ambit of this compromise).
11. That the petitioner here by assures that complained case no. 2807(C) 2013 (Ajay Lal versus Manoj Kumar and ors.) pending before Civil Court Siwan which has been filed on his instance shall be closed/compromised in 1st instance (priority basis) among all cases mentioned herein above in para-2. The closing of this case shall be a condition precedent of this compromise.
12. The counsel for the petitioner has been handed over a vakalatnama executed by Sri Ajay Lal Paswan @ Ajay Lal today during the mediation proceeding, to his counsel to appear in quashing application to close the case.
13. That the contents of this settlement deed have been read over and explained to both the parties in Hindi in presence of their learned Counsels which they understood to be true and thereafter put their signature with their free will and consent.

(Ravi Shankar)
Signature of the petitioner/husband
party No. 2

(Bibha Kumari)
Signature of the opposite

Date- 05/02/2018

Date- 5/2/2018

Signature of the petitioner's Advocate
Advocate
A.O.R. No.- 06248
Date- 05/2/18

Signature of the Opposite party No. 2
A.O.R. No.- 826
Date- 05.02.2018

In view of the above, and taking note of the law laid down by the Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another- (2014) 6 SCC 466** and the settlement entered into between the parties in the interest of the parties concerned there is no reason as to why the settlement should not be accepted and the proceedings in the criminal case quashed exercising the jurisdiction available to this Court under Section 482 Cr.P.C. in the interest of all



concerned, particularly the settlement of the matrimonial dispute between the parties in the light of the agreement entered into between the parties as is indicated hereinabove which also includes the settlement for annulment of all the cases initiated by the parties.

Keeping in view the aforesaid, all the four applications are allowed, criminal proceedings/complaint cases initiated inter se between the parties bearing no. C 1162 of 2013/Tr. No. 3279 of 2015, Complaint Case No. 2807/2013, Industrial Area, Hajipur, Vaishali P.S. Case No. 49 of 2013 and C 1162 of 2013/Tr. No. 3279 of 2015 pending in the court of S.D.J.M., Hajipur, Vaishali, S.D.J.M., Siwan, Chief Judicial Magistrate, Hazipur, Vaishali and S.D.J.M., Hajipur, Vaishali respectively stand quashed and all the proceedings between the parties stand disposed of in terms of the settlement entered into on 05.02.2018 and as reproduced hereinabove.

(Rajendra Menon, CJ)

P.K.P./-R.S.Sen/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.07.2018
Transmission Date	05.07.2018

