

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12683 of 2016

Arising Out of PS. Case No.-3504 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Abhishek Kumar Srivastava @ Abhishekh Srivastava @ Jugnu @ Avishek Srivastav @ Abhishek Srivastava Son of Sri Kesho Prasad, Presently posted as Stenographer, District and Sessions Court, Hazaribagh Residing in the house of Sri Jitendra Mishra, Mohalla-Suresh Colony, P.S.-Hazaribagh, Sadar, District-Hazaribagh, Jharkhand.
 2. Kesho Prasad Son of Late Sita Pati Sharan Presently residing in the house of Sri Akhileshwar Prasad, Adarsh Colony, West Patel Nagar (Besides Narayan Community Hall), Police Station-Shastri Nagar, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Chandra, Son of Sri Sita Sharan Prasad Resident of "Asha Sadan", Yamuna Path (Block of Punjab National Bank), New Bye Pass Road, Anishabad, Police Station-Beur, District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwari(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 30-04-2018

Seeking quashing of Complaint Case No.3504(C) of 2012 and the order dated 27.6.2013 taking cognizance by the learned Additional Chief Judicial Magistrate-Cum-Sub-Judge-XI, Patna, this application has been filed under Section 482 of Cr.P.C.

Complainant, respondent No.2 herein, Shri Vikash Chandra was married to Smt. Arpana Sinha, sister of applicant No.1 Abhishek Kumar Shrivastava @ Abhishekh Srivastava @



Jugnu @ Avishek Srivastav @ Abhishek Srivastava and daughter of applicant No.2 Kesho Prasad. As far as applicant No.2 is concerned, records indicate that he has expired and his death certificate has been brought on record which goes to show that he is no more alive. So far as applicant No.1 is concerned, he has filed supplementary affidavit today which goes to show that his sister Arpana Sinha and the complainant, her husband, Abhishek Kumar Shrivastava @ Abhishekh Srivastava @ Jugnu @ Avishek Srivastav @ Abhishek Srivastava have settled the matrimonial disputes between them and in the court of Principal Judge, Family Court, Patna in Matrimonial (Divorce) Case No.837 of 2016, the compromise has been accorded and the marriage between the parties dissolved in terms of the compromise entered into before the Family Court, Patna. That apart, in para 8 of the aforesaid compromise petition filed before the Family Court, it is clearly stipulated that Complaint Case No.3504(C) of 2012 pending before the trial court shall be quashed and the parties, particularly Abhishek Kumar Shrivastava @ Abhishekh Srivastava @ Jugnu @ Avishek Srivastav @ Abhishek Srivastava will have no complaint in quashing of the proceedings.



In view of the compromise arrived at between the parties for dissolution of marriage and finding the same to be a bona fide settlement and further finding that the marriage has also been dissolved under Section 13(B) of the Hindu Marriage Act, as is evident from the order dated 4th of March, 2017 passed by the Principal Judge, Family Court, Patna, this application is allowed. Proceedings pending before the court below, namely Additional Chief Judicial Magistrate-Cum-Sub-Judge-11, Patna stands quashed and the order dated 27.6.2013 taking cognizance in Complaint Case No.3504(C) of 2012 is also set aside.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.05.2018
Transmission Date	

