

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44054 of 2014

Arising Out of PS.Case No. -893 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Md. Tahir @ Tahir Zafar son of Late Md. Kamil
2. Md. Adil @ Naushad son of Late Md. Kamil All residents of 38/D Ismail
Streat P.O. & P.S.- Entali Kolkatta, Dist. Kolkotta, State- West Bengal
.... Petitioner/s

Versus

1. The State of Bihar
2. Sumbul Jahan wife of Md. Tahir Zafar, D/O Md. Shahabuddin Ahmad,
resident of Village- Salempur Gola Road Barh, near Urdu Madhya
Vidhyalay, Ward No. 11, P.O. & P.S. Barh, District- Patna
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh
For the Opposite Party/s : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 05-03-2018

This is an application seeking quashing of the order dated 04.04.2014 passed by the learned S.D.J.M., Barh in connection with Complaint Case No. 893(c) of 2013, whereby cognizance has been taken against the petitioners under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

It appears from the perusal of the records that the matter was sent to the Mediation Centre of Patna High Court for an amicable settlement, but the efforts at the Centre came a cropper.

Learned counsel for the petitioners has drawn the attention of this Court to the fact that the case against other co-accused persons have been quashed on the ground of those accused persons living separately from the household of the spouses who



could not get along well in the present case. Apart from the husband of the O.P. No. 2, the brother of the husband has also joined the present petition.

Considering the fact that the cases with respect to the other accused persons have been quashed and that the case of petitioner no. 2 is on the same footing, the order taking cognizance as against the petitioner no. 2 is set aside.

So far as petitioner no. 2, who is the husband of the O.P. No. 2, his petition is dismissed.

In case, petitioner no. 1 is able to effect a settlement with O.P. No. 2, he would be at liberty to approach the trial court and intimate that no further action or no further proceedings in the case is required. In case, such a petition is filed by the petitioner no. 1, the court below shall take into account that all efforts should, in the first instance, be made for reconciliation of dispute between the parties and if there is a reconciliation, necessary orders in accordance with law may be passed.

With the aforesaid observation, the present petition is disposed off.

(Ashutosh Kumar, J.)

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