

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.135 of 2018

Arising Out of PS. Case No.-511 Year-2016 Thana- SHERGHATI District- Gaya

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1. Subhash Kumar Singh @ Subhash Kumar
 2. Vikas Kumar both son of Harimohan Singh
 3. Harimohan Singh, son of Late Shrawan Singh
 4. LalPari Devi @ Lal Pari, wife of Harimohan Singh
 5. Priyanka Singh, wife of Vikas Kumar All resident of Village- Khandol, Police Station- Sandesh, District- Bhojpur (Ara)
... Petitioners

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna.
 2. Vimal Kishore Singh, son of Shyam Kishore Singh, resident of Sherghati, Police Station- Sherghati, District- Gaya
... Respondents
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Appearance :

For the Petitioners	:	M/s Sandip Kumar & Rohit Raj, Advs.
For the State	:	Mr. Haroon Quraishi, AC to SC 1
for the informant	:	Mr. Rana Vikram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-05-2018 Heard the parties.

It appears that the matrimonial discord gave rise to criminal case being Sherghati P.S. Case No. 511 of 2016 registered under Sections 498A and 34 of the Indian Penal Code against the husband and other family members of the husband. The father-in-law of petitioner no. 1, who lodged the first information report is respondent no. 2 in the present writ application.

Respondent no. 2 has entered appearance on his own.

The learned counsel representing respondent no. 2 submits that immediately after lodging of the first information report, with the intervention of the well-wishers in the family,



the dispute between husband and wife was resolved amicably and a petition to this effect was also filed in the Court of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya, on 24.1.2.2016, but, the investigating agency submitted a charge sheet and thereupon the learned Magistrate took cognizance of the offences under Sections 498A and 34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act vide order, dated 07.08.2017, and all the petitioners were called upon to appear pursuant to summon.

Learned counsel representing the parties have unanimously and jointly submitted before this Court that the learned Magistrate could not appreciate that this being a dispute arising out of a matrimonial discord, once the parties have settled their dispute and are living together peacefully, they should not be harassed by calling upon them to appear and face trial.

Learned counsel for the State is present.

Considering the facts and circumstances of the case, where the husband and wife have amicably resolved their dispute and are living together and the father-in-law, respondent no. 2, has entered appearance on his own and a submission has been made on his behalf to quash the order taking cognizance,



this Court is of the considered opinion that the prosecution of the petitioners in the given circumstance would not be just and proper.

The order, taking cognizance, dated 07.08.2017, passed in connection with Sherghati P.S. Case No. 511 of 2016 by learned Additional Chief Judicial Magistrate, Sherghati, Gaya, is hereby **quashed** and the application is according **allowed**.

(Rajeev Ranjan Prasad, J)

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