

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11155 of 2018

Arising Out of PS.Case No. -104 Year- 2017 Thana -RAJIVNAGAR District- PATNA
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1. Ramashraya Chaudhry, S/o Sri Dasrath Chaudhary,
2. Renuka Chaudhry @ Reneeka Kumari W/o Ramashraya Chaudhary,
3. Randhir Kumar Ravi S/o sri Ramashraya Chaudhry, All are
R/o Mohalla- Jaiprakash Nagar, Gaya Line Road , P.S.-
Jakkanpur, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Bibha Kumari D/o Sri Prahalad Singh, W/o Ranjeet Kumar Ravi, R/o House of Ashok Kumar Sharma Finance Department Colony Phase 2 Khajpura, P.S.- Rajeev nagar, District- Patna.

.... Opposite Parties

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With
Criminal Miscellaneous No.21902 of 2018

Arising Out of PS.Case No. -3546 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Kunal Kishore Singh,
2. Rahul Kishore Singh
Both Sons of Prahlad Singh,
3. Nila Singh W/o Prahlad Singh,
4. Prahlad Singh S/o Late Rajendra Singh,
5. Rekha Singh @ Rekha Ray W/o Kunal Kishore Singh,
6. Bibha Kumari D/o Prahlad Singh, W/o Ranjeet Kumar Ravi
All R/o H/o Ashok Sharma, Finance Department Colony,
Phase-2, Khajpura, P.S.- Rajiv Nagar, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Ramashrya Choudhary, S/o Dashrath Choudhary, R/o Sarswati Sadan, Jai Prakash Nagar, P.S.- Jakkanpur, District- Patna.

.... Opposite Parties

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Appearance :

(In Cr.Misc. No.11155 of 2018)

For the Petitioner/s : Mr. Ranjan Kumar Sinha

For the Opposite Party/s : Mr. Nand Kumar

(In Cr.Misc. No.21902 of 2018)

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER



5. 09-10-2018

Both the matters have been tagged together at the instance of learned counsel for the parties and have been heard together on their request for the purpose of disposal.

Cr. Misc. No. 11155/2018 has been preferred for quashing of the order dated 07.11.2017 passed by the learned A.C.J.M. – III, Patna in Rajiv Nagar P.S. Case No. 104/2017 (G.R. No. 2919/2017). By the impugned order the learned A.C.J.M.-III, Patna has taken cognizance of the offences punishable under Sections 341, 323, 498A of the I.P.C. as also under Section 3/4 of the Dowry Prohibition Act, and the petitioners have been summoned.

Petitioner no. 1 is the father-in-law, petitioner no. 2 is the mother-in-law and petitioner no. 3 is unmarried *Dewar* of the opposite party no. 2.

Cr. Misc. No. 21902/2018 has been preferred by the opposite party no. 2 of Cr. Misc. No. 11155/2018, her father and mother, her two brothers and wife of one of the brothers. In this case the complainant (O.P. No. 2) is the petitioner no. 1 of Cr. Misc. No. 11155/2018.

Apparently the petitioner no. 1 of the first case and opposite party no. 2 who is petitioner no. 6 in the second case are father-in-law – daughter-in-law respectively. The son of petitioner no. 1 and opposite



party no. 2 are the husband and wife. A matrimonial dispute between opposite party no. 2 and her husband has given rise to both the cases filed by the respective parties against each other and their family members.

In course of hearing of these applications, learned counsel for both the parties have jointly submitted that the cases against the petitioners in both the applications are required to be quashed in order to give rest to the dimension of the disputes which have spread to the extent of accusations levelled by both the parties against the entire family members of each other. It is submitted that in order to buy peace the petitioners of both the cases would request this court to quash the criminal proceedings as against these petitioners in the respective cases. In the first case being Rajiv Nagar P.S. Case No. 104/2017 dated 01.05.2017, the husband is also an accused and it has been agreed that the dispute between the husband and opposite party no. 2 be now confined between both of them.

In the nature of the allegations made in the cases filed by respective parties against each other and the kind of developments which have taken place whereunder both the parties are willing to come out of the criminal proceedings which have mainly arisen because of matrimonial discord between opposite party



no.2 and her husband, this court thinks that the prayer of the petitioners are fit to be accepted in larger interest. In these kinds of matters where the parties are litigating because of matrimonial discord, a quashment on the basis of compromise is required to be done with an intention to secure the ends of justice and to prevent the abuse of the process of the court.

In the result, both the criminal miscellaneous cases are allowed as regards the petitioners.

The impugned order dated 07.11.2017 passed by learned A.C.J.M.-III, Patna in connection with Rajiv Nagar P.S. Case No. 104/2017 is quashed with respect of the three petitioners.

At the same time, the entire criminal proceeding arising out of the order dated 02.05.2017 passed by learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3546(C) of 2016 is quashed as regards the petitioners in Cr. Misc. No. 21902/2018.

Both these applications are thus disposed off.

(Rajeev Ranjan Prasad, J)

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