

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10367 of 2015

Arising Out of PS. Case No.-15 Year-2013 Thana- PATEPUR District- Vaishali

Vijay Kumar Pandey S/o Late Basist Pandey resident of village- Heerpur, P.S.
- Jandaha Distt- Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rambha Kumari W/o Vijay Kumar Pandey resident of village- Heerpur, P.S.
- Jandaha Distt- Vaishali. at present Vill- Raghopur Narasanda, P.S. Patepur,
Distt- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No-1
For the Opposite Party/s : Mr.Sanjay Kr.Pandey, App

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-05-2019 Heard learned counsel for the parties.

Patepur P.S. Case No. 15 of 2013 giving rise to T.R.
No. 3102 of 2014 alleges commission of the offences punishable under Sections 498A, 494, 379 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The present application has been filed for quashing of the charges framed by the Court of learned Sub Divisional Judicial Magistrate, Vaishali at Hazipur *vide* order dated 17.10.2014, for the offences punishable under the aforesaid Sections of the Indian Penal Code and the Dowry Prohibition Act.

The petitioner is the husband of the informant.

Learned counsel for the petitioner has submitted that



in a proceeding for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, before this Court there was a compromise reached between the parties and in terms of compromise, the agreed amount was paid to the informant. A divorce application, being part of the compromise was also filed. This is the background in which this application has been filed under Section 482 of the Cr.P.C. for quashing of the charge itself.

It seems that the compromise which the parties are said to have entered into had subsequently failed. The amount of one time settlement which was paid to the informant has also been returned to the petitioner.

Learned counsel for the petitioner has submitted that considering the conduct of the informant, this application should be allowed and the order framing charge should be quashed in the interest of justice. There is nothing, however, to demonstrate that the charges have been framed without any material basis. The framing of charge, therefore, cannot be said to be illegal, requiring this Court's interference under Section 482 of the Cr.P.C.

This application is, accordingly, dismissed.

It is, however, indicated that the petitioner shall be at



liberty to take the defence as may be available to him at the trial as no observation made in the order shall prejudice the case of either of the parties before the Court below in determining the trial.

Since the matter has remained pending for several years, it is directed that the trial Court should endeavour to conclude the trial expeditiously, preferably within a period of six months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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