

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25894 of 2019

Arising Out of PS. Case No.-176 Year-2016 Thana- PATLIPUTRA District- Patna

1. Dharmbir Mahto, Son of Late Munni Mahto,
 2. Sushila Devi, Wife of Dharmbir Mahto
 3. Abhishek Kumar,
 4. Kumari Abhilasha,
 5. Avinash Kumar @ Avinash Anand,
- 3 to 5 are sons and daughter of Dharmbir Mahto
All are resident of Mohalla Rahamganj, Near Naka No.1, P.S - Darbhanga (Town), District - Darbhanga
At present petitioner no. 3 is residing at C/o Subrat Kumar Biswas Kalna Road, Sakipara Loco More, Near Canara Bank, P.S. - Bardhwan Sadar, District - Bardhwan (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anupama Kumari @ Babita Chaudhary, Wife of Abhishek Kumar, Daughter of Late Bhagwan Chaudhary, Resident of House No. 285/3E New Patliputra Colony, P.S. - Patliputra, District - Patna, At present, Resident of C/o Subrat Kumar Biswas, Kalna Road, Sakipara Loco More, Near Canara Bank, P.S - Bardhwan Sadar, District - Bardhwan (West Bengal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Bharat Bhushan, APP156

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 16-09-2019

Heard the parties.

This is a case under Section 498A of the Indian Penal Code. This application is for quashment of FIR of Patliputra P.S. Case No. 176 of 2016 registered under Sections 498A, 313, 307, 494/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.



Submission of learned counsel for the petitioners is that when the matter of anticipatory bail of petitioner no. 3 Abhishek Kumar, who is husband of opposite party no. 2, was being considered in Cr. Misc. No. 25166 of 2017, both parties informed the Court that they are happily living together as husband and wife and they have settled their scores. A copy of the order dated 06.10.2017 passed in Cr. Misc. No. 25166 of 2017 is at Annexure-2.

Submission is that still good relation between the spouse is prevailing and both are living together. In the circumstance, the FIR and subsequent criminal proceeding would amount to abuse of the process of the Court.

Considering the factual position aforesaid especially the nature of allegation and compromise of the case between the parties, let the FIR of Patliputra P.S. Case No. 176 of 2016 be quashed to secure the ends of justice. This application stands allowed, accordingly.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.09.2019
Transmission Date	18.09.2019

