

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15694 of 2019**  
**Arising out of**  
**Criminal Miscellaneous No.37905 of 2015 and its analogous cases**

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1. Sumit Kumar Son of Om Prakash Lall Resident of Mohalla, Nepali Nagar, P.S.- Rajiv Nagar, District- Patna.
  2. Om Prakash Lall Son of Late Jadunandan Lall Resident of Mohalla, Rajiv Nagar, Road No. 18, P.S.- Rajiv Nagar, District- Patna.
  3. Sarita Lall Wife of Sri Om Prakash Lall Resident of Mohalla, Rajiv Nagar, Road No. 18, P.S.- Rajiv Nagar, District- Patna.
  4. Rishika Lall @ Anshu Daughter of Om Prakash Lall, Resident of Mohalla, Rajiv Nagar, Road No. 18, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita @ Aparajita Prasad, Daughter of Omkar Sharan Prasad, Resident of Mohalla, East Patel Nagar, Road No. 06, House No. 31, P.S.- Shastri Nagar, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjiv Sharan, Advocates

For the State : Mr. Jharkhandi Upadhyay, APP

For the O. P. No. 2 : Mr. Bipin Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 13-03-2019**

Heard learned counsel for the petitioners; learned A.P.P.  
for the State and learned counsel for the opposite party no. 2.

2. The present application has been filed for modification of the common order dated 22.02.2019 passed in Criminal Miscellaneous No. 37905 of 2015; Criminal Miscellaneous No. 39329 of 2015; Criminal Miscellaneous No. 39541 of 2015; Criminal Miscellaneous No. 42182 of 2015;



Criminal Miscellaneous No. 38253 of 2015 and Criminal Miscellaneous No. 37928 of 2015.

3. Learned counsel for the petitioners submitted that a number of cases were pending between the parties which, as per the common order, stand settled. However, learned counsel submitted that due to inadvertence, the two cases, being Complaint Case No. 28489/C of 2014 and Domestic Violence Case No. 286 of 2014, both filed by the opposite party no. 2 against the petitioners, could not be incorporated in the order, though the same are stated in the compromise between the parties which has also been reproduced in the order, and thus, the aforesaid two cases be also noted in the last paragraph by which criminal proceeding arising out of Rajiv Nagar P.S. Case No. 2 of 2015 has only been quashed. It was submitted that the reference to the aforesaid two cases, which has been noted in the body of the order has inadvertently not been incorporated in the operative portion of the order.

4. Learned counsel for the opposite party no. 2 does not dispute the position. Learned A.P.P. has also no objection.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds the prayer to be *bona fide*. In the body of the order dated



22.02.2019, in the aforesaid batch cases, Complaint Case No. 28489/C of 2014 as well as Domestic Violence Case No. 286 of 2014 has been taken note of. However, it appears that due to inadvertence, no order was recorded with regard to the aforesaid cases. Reference of the said cases can be found at paragraph no. 5 of the joint affidavit filed which has been reproduced at paragraph no. 3 of the order dated 22.02.2019.

6. In the aforesaid background, the entire criminal proceeding arising out of Complaint Case No. 28489/C of 2014 and Domestic Violence Case No. 286 of 2014 filed by the opposite party no. 2 against the petitioners, including all subsequent orders, which may have been passed in the said cases, stand quashed.

7. The order dated 22.02.2019 passed in Cr. Misc. No.37905 of 2015 and its analogous cases stands modified to the extent indicated above.

8. The application stands disposed off.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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