

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10982 of 2018**

Arising Out of PS. Case No.-541 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

1. Meer Abdul Munif @ Dr. Meer Abdul Munif @ Abdul Munif son of Meer Abdul Gaffar,
2. Md. Ikram @ Ikramul Haque, son of Meer Abdul Gaffar,
3. Farida Khatoon, wife of Md. Ikram @ Ikramul Haque, All Residents of Mohalla- Nawab Chowk, Ward No. 35, Pokhariya, P.S. Town, District- Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Saroji Bano @ Dr. Saroji Bano, wife of Meer Abdul Munif @ Dr. Meer Abdul Munif @ Abdul Munif, daughter of Md. Ekram, Resident of Village- Lakhisarai, Chhoti Dargah, P.S. Lakhisarai, District- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv
For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 17-09-2019

Heard learned counsel for the parties.

2. Petitioner No.1 is husband of opposite party No.2.

The petitioners have challenged the order of cognizance dated 14.12.2017 passed in Begusarai Town P.S.Case No.541 of 2016 whereby cognizance was taken under Sections 498(A) and 313 I.P.C. as well as 3/4 of Dowry Prohibition Act.

3. Submission is that when the petitioner No.1 had approached this Court for anticipatory bail in Cr. Misc. No.13660 of 2017, the matter was sent to the Patna High Court Mediation Committee and before the Mediators, the parties agreed that the



petitioner No.1 would pay Rs.Eight Lacs through bank draft within three months and the complainant-opposite party would withdraw the criminal case before the learned court below. The written agreement of the parties dated 28.07.2017 before the Patna High Court Mediation Committee is at Annexure-3. Thereafter, the petitioner No.1 paid the aforesaid amount through bank draft which was produced before the learned court below which would be evident from order dated 30.10.2017 and the parties filed a compromise petition and opposite party No.2 withdrew the aforesaid bank draft which would be evident from order dated 13.11.2017 of the learned court below, however, the criminal prosecution is still pending.

4. In the facts and circumstances aforesaid, continuance of criminal prosecution amounts to abuse of the process of the Court. Hence, the impugned order and entire criminal proceeding stand quashed and this application is allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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