

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28977 of 2019

Arising Out of PS. Case No.-377 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Chandan Kumar Singh S/o Dinesh Prasad Singh Resident of Mohalla-
Barihar, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o Pravesh Kumar Singh Resident of Mohalla- Sukh Nagar
Law College, P.S.- K. Hat, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 27-08-2019 Heard Mr. Sanjay Singh, learned Advocate for the

petitioner and Mr. Jitendra Prasad Singh, learned Advocate

for the Opposite Party No. 2.

The petitioner, who is the husband of Opposite
Party No. 2, seeks quashing of the order dated 07.04.2018
passed by the learned Chief Judicial Magistrate, Purnea,
whereby the application preferred by the petitioner for his
discharge under Section 239 of the Code of Criminal
Procedure, 1973 has been rejected as well as against the
order dated 19.03.2019 passed by the learned Sessions
Judge, Purnea in Criminal Revision No. 53 of 2019, whereby



the order of refusal to discharge by the Magistrate, referred to above, has been upheld and affirmed.

Apart from the facts relating to the merits of the case, learned counsel for the petitioner has stated that despite having accepted a draft of Rs. 15,00,000/- (fifteen lakhs) towards all her matrimonial dues and the assurance given by Opposite Party No. 2 that she would cooperate in obtaining divorce by mutual consent and that she shall withdraw cases on all fronts, the petitioner is still being prosecuted by Opposite Party No. 2 in the trial.

As opposed to the aforesaid contention, Mr. Jitendra Prasad Singh, learned Advocate for Opposite Party No. 2 has stated that the amount of Rs. 15,00,000/- has never been accepted by Opposite Party No. 2. She was forcibly made to sign on the photocopy of such draft, about which a complaint has been made by her not only before the Family Court where the case is pending but also in the concerned police station.

In any view of the matter, the parties / spouses are not ready to settle the dispute outside the Court.



After the petition for discharge was rejected by the court below, the case of the petitioner has gone in trial and four witnesses have been examined by now.

At this stage, therefore, this Court would not deem it appropriate to initiate the process of reconciliation which has been requested on behalf of the petitioner but not concurred by the Opposite Party No. 2 whose, opinion has been echoed by the counsel representing her.

Under the aforesaid circumstances, this Court refuses to interfere with the orders which have been impugned in the present petition.

The petition is dismissed.

(Ashutosh Kumar, J)

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