

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 3040 of 2015**

Arising Out of Complaint Case No.-1126 Year-2014 Thana- MADHUBANI COMPLAINT  
CASE District- Madhubani

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1. Prashant Kumar Jha Son of Sri Govind Jha.
2. Govind Jha S/o Late Parsuram Jha.
3. Sheela Jha @ Sheela Devi Wife of Sri Govind Jha.  
All are Resident of Village-Soathgaon, P.S.-Harlakhi, District-Madhubani.
4. Arun Mishra S/o Late Anup Mishra, Resident of Village-Awada, P.S-  
Saharghat, District-Madhubani.
5. Anjana Jha @ Anjana Kumari Wife of Tarun Jha, Resident of Village-  
Gobarahi, P.S-Deodha, District-Madhubani.
6. Ranjana Jha @ Ranjana Kumari Wife of Sri Pramodanand Jha, Resident of  
Village-Uchchal, P.S-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalyani Jha Wife of Prashant Kumar Jha, Resident of Village-Sothegaon,  
P.S-Harlakhi, District-Madhubani. At present Hanuman Colony Stadium  
Road, Madhubani,P.S. and District-Madhubani.

... .. Opposite Party/s

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**Appearance :**

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|--------------------------|---|-------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ratnakar Jha, Advocate                                  |
| For the Opposite Party/s | : | Mr. Purushottam Jha and<br>Mr. Vikmesh Kumar Jha, Advocates |
| For the State            | : | Mr. Pradip Nr. Kumar, APP                                   |

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

**ORAL JUDGMENT**

**Date : 23-04-2019**

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



2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') for the following relief:

*“That, this is an application for Quashing of the order dated 12.09.2004 passed in connection with Complaint Case No. 1126 of 2014 corresponding to Enquiry No. 108/14 by Sri M. K. Srivastwa learned judicial Magistrate 1<sup>st</sup> Class Madhubani whereby and where under he has been pleased to take cognizance of the offences under Section 498A/34 of IPC read with section 3/4 of Dowry Prohibition Act against all the aforesaid petitioner as such prima facie case is made out under the aforesaid section against them.”*

3. The matter relates to matrimonial dispute and allegations have been levelled by the opposite party no. 2, who is wife of the petitioner no. 1, in Complaint Case No. 1126 of 2014 filed by her, in which cognizance has been taken under Sections 498A/34 of the Indian Penal Code and 3/4 of The Dowry Prohibition Act, 1961.

4. Earlier the matter was sent to the mediation center of the Patna High Court and pursuant thereto a report has been submitted by Mr. Anup Kumar, learned mediator dated 29.01.2018 stating that the dispute between the parties has been settled. The Court deems it appropriate to reproduce the terms and conditions of such settlement which reads as under:



*“1. That, the petitioner is ready to keep her wife and three children with great respect and full protection with dignity.*

*2. That, petitioner is ready to hand over his monthly salary to his wife in her account No. 2515000101150746 Punjab National Bank, Madhubani and live at the petitioner's house after normalcy of the situation since the dispute become normal at the rental residential house of mother of opposite party No. 2*

*3. That, the first party will take full care of his children with respect to their education, health maintenance and other.*

*4. That, the opposite party No. 2 (wife) also take care of her husband.*

*5. That, with the consent of the parties they are ready to give respect their parents.*

*6. That, now both the parties are ready to withdraw all the cases either in the Civil Court, Family Court or Hon'ble Court or anywhere.*

*7. That the above contents of the agreement have been read over and explained to them in Hindi, which have fully been understood and accepted the same.*

*8. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of learned Mediator.”*

5. Having regard to the aforesaid, the Court finds that the criminal case is now required to be interfered with under its inherent power under Section 482 of the Code.

6. Accordingly, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 1126 of 2014 (Enquiry No. 108 of 2014) including the order taking cognizance dated 12.09.2004 passed by the Judicial Magistrate 1<sup>st</sup>



Class, Madhubani, stands quashed, subject to the parties adhering to the terms of the settlement as reproduced above.

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

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