

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1375 of 2015

Arising Out of Complaint Case No.-25802 (C) Year-2014 Thana- PATNA COMPLAINT
CASE District- Patna

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1. Vimla Tripathi, Wife of Shri Prem Narayan Tripathi aged about 62 years.
 2. Prem Narayan Tripathi son of Late Mathura Tripathi, aged about 73 years.
 3. Raj Kumar Tripathi son of Sri Prem Narayan Tripathi, aged about 45 years.
 4. Alka Pandey wife of Sri Devendra Pandey, aged about 35 years. All residents of Mohalla - Charkhambha Gali, P.S. - Town Thana, Ara, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachna Kumari @ Rachna Tripathi wife of Sri Rajiv Tripathi, D/o Sri Ram Dubey resident of Mohalla - Bhikhna Pahari, Pakka Bari, P.S. - Pirbahore, District - Patna.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3607 of 2015

Arising Out of Complaint Case No.-25802 (C) Year-2014 Thana- PATNA COMPLAINT
CASE District- Patna

Rajiv Tripathi, Son of Sri Prem Narayan Tripathi, Resident of Mohalla-
Charkhambha Galli, P.S-Town Thana, Ara, District-Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachna Kumari @ Rachna Tripathi, Wife of Sri Rajiv Tripathi, D/O Sri Ram Dubey, Resident of Mohalla-Bhikhna Pahari, Pakka Bari, P.S-Pirbahore, District-Patna.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 32168 of 2015

Arising Out of Complaint Case No.-25802 (C) Year-2014 Thana- PATNA COMPLAINT
CASE District- Patna

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1. Akanksha Tripathi, daughter of Rajesh Tripathi.
 2. Rajesh Tripathi @ Rajesh Kumar Tripathi, Son of Sri Ram Ratan Tripathi, Both residents of Mohalla - 3/22, Pashupati Nagar, near R.P. Vidyalaya,



Kanpur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachna Kumari @ Rachna Tripathi, wife of Sri Rajiv Tripathi, D/o Sri Ram Dubey, resident of Mohalla - Bhikhna Pahari, Pakka Bari, P.S. - Pirbahore, District - Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1375 of 2015)

For the Petitioner/s : Dr. Chandra Shekhar Azad and
Mr. Sadashiv Tiwari

For the Opposite Party No. 2 : Mr. Sanjay Singh, Advocate

For the State : Mr. Akhileshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 3607 of 2015)

For the Petitioner/s : Dr. Chandra Shekhar Azad and
Mr. Sadashiv Tiwari

For the Opposite Party No. 2 : Mr. Sanjay Singh, Advocate

For the State : Mr. Akhileshwar Dayal, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 32168 of 2015)

For the Petitioner/s : Dr. Chandra Shekhar Azad and
Mr. Sadashiv Tiwari

For the Opposite Party No. 2 : Mr. Sanjay Singh, Advocate

For the State : Mr. Gauri Shankar Gupta, A.P.P.

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

ORAL JUDGMENT

Date : 05-04-2019

Heard Dr. Chandra Shekhar Azad, learned counsel along with Mr. Sadashiv Tiwari, for the petitioners; learned A.P.Ps. for the State and Mr. Sanjay Singh, learned counsel for the opposite party no. 2.

2. The petitioners are accused in Complaint Case No. 25802 (C) of 2014, which has been filed by the opposite party no. 2 against her husband, who is petitioner in Cr. Misc. No. 3607 of 2015 and his relatives who are petitioners in the other two cases.



Upon inquiry, the Court below has taken cognizance on 25.07.2014 against the petitioners under Sections 498-A, 406 494, 323 and 504 of the Indian Penal Code. The same is impugned in the present applications.

3. At the very outset, learned counsel for the parties submitted that the matter has been compromised between the parties in lieu of which the petitioners have agreed to pay Rs. 8,50,000/- to the opposite party no. 2 by way of a one time full and final settlement. It was submitted that the parties have also agreed that as they have been living separately for more than five years, in view of the final settlement between them, they would move before the Principal Judge, Family Court, Patna for dissolution of their marriage so that they may move on with their lives. It was further submitted that the parties have agreed not to interfere in the life of each other in future also.

4. Having regard to the aforesaid, the Court finds that the matters relating to marital dispute is required to be finally brought to an end.

5. Accordingly, the applications are allowed. The entire criminal proceeding arising out of Complaint Case No. 25802 (C) of 2014, including the order dated 25.07.2014, by which



cognizance has been taken by the Judicial Magistrate, Ist Class, Patna stands quashed.

6. However, such order is subject to the following conditions:

(a). Two cheques for Rs. 4,00,000/- and Rs. 4,50,000/- respectively have been produced by learned counsel for the petitioners in the name of opposite party no. 2 and handed over to her counsel in the Court. The same are drawn on H.D.F.C. Bank, Noida branch dated 05.04.2019. The opposite party no. 2 is free to present the cheque of Rs. 4,00,000/- immediately. However, with regard to the other cheque of Rs. 4,50,000/-, the same shall be present not before 20th of April, 2019. The petitioners shall ensure that the cheques are honoured.

(b). Pursuant to the cheques being honoured and the money transferred in the account of the opposite party no. 2, within one month, the petitioner of Cr. Misc. No. 3607 of 2015 namely, Rajiv Tripathi, who is the husband and the opposite party no. 2, shall jointly file a petition for mutual divorce before the Principal Judge, Family Court, Patna under Section 13-B of the Hindu Marriage Act, 1955. This Court, exercising its inherent power under Section 482 of the Code, for securing the ends of justice deems it appropriate to direct that the mandatory waiting



period of six months for the Court to proceed on such petition shall stand waived and an order of mutual divorce shall be passed by the Court within one month from the date of filing of the petition seeking such divorce.

7. This Court would further observe that in future, the parties shall maintain cordial relation and not interfere in each others life and will also not have any claim on each other.

(Ahsanuddin Amanullah, J.)

P. Kumar

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