

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24610 of 2016

Arising Out of PS. Case No.-917 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Kamlesh Kumar son of Devendra Prasad. Resident of Mohani Nagar, Near
Hari Niwas, P.S.- Hawaii Adda, Shekhpur, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Khusbu Kumari @ Pushpa Kumar, Wife of Kamlesh Kumar, daughter of
Late Bhola Prasad, resident of C/o- Most. Asha Devi, Gola Road, Jhakhuri,
Mahadeo, Police Station- Danapur, District- Patna.

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 26037 of 2016

Arising Out of PS. Case No.-917 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

- =====
1. Devendra Prasad S/o late Ram Kishun Ram
 2. Smt. Geeta Devi W/o Sri Devendra Prasad. Both Resident at L4 /25, I.S.W.P.
Colony, Indira Nagar, Jamshedpur, Police Station- Telco, District- East
Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

1. State Of Bihar
2. Khusbu Kumari @ Pushpa Kumari Wife of Kamlesh Kumar, daughter of
Late Bhola Prasad. Resident of C/o Most Asha Devi, Gola Road, Jhakhuri,
Mahadeo, Police Station- Danapur, District- Patna.

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24610 of 2016)

For the Petitioner/s	:	Mr.Ravinesh, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar, A.P.P.
For the Complainant	:	Mr.Manish Kumar No.13, Advocate
		Mr.Rohit Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 26037 of 2016)

For the Petitioner/s	:	Mr.Ravinesh, Advocate
For the Opposite Party/s	:	Mr.Anusaiya Jaiswal, A.P.P.
For the Complainant	:	Mr.Manish Kumar No.13, Advocate
		Mr.Rohit Kumar, Advocate

=====



CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-08-2019

Heard learned counsel for the parties.

2. Both the aforesaid applications have been filed under Section 482 of the Code of Criminal Procedure, for quashing the order of cognizance dated 05.10.2013, passed by the learned Sub-Divisional Judicial Magistrate, Danapur, Patna in Complaint Case No.917 of 2013.

3. The complaint case was brought by opposite party No.2 against the petitioners for the offences under Sections 498A and 323 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act.

4. Today, a joint compromise petition has been filed on behalf of petitioner, *Kamlesh Kumar*, who is the husband of opposite party No.2 and opposite party No.2, namely, *Khusbu Kumari @ Pushpa Kumari*.

5. Though the joint petition is not very detailed, however, it has been informed to the Court along with relevant papers that both the spouse had filed Matrimonial Case No.1293 of 2015 in the court of learned Principal Judge, Family Court, Patna, under Section 13B of the Hindu Marriage Act and in that petition for divorce with mutual consent it is mentioned that the husband would pay Rs.1,60,000/- (Rupees One Lac and Sixty



Thousand) as permanent alimony. However, the permanent alimony was not paid and the *Pairvy* of the case was also left by the parties. Hence, petition under Section 13B of the Hindu Marriage Act was dismissed for default on 01.08.2018.

6. Thereafter, during hearing of these applications, the parties agreed that the husband would pay Rs.2,00,000/- (Rupees Two Lacs) as permanent alimony. The said amount has been paid to opposite party No.2 in open Court through Bank Draft. The details of the draft is mentioned in the joint petition.

7. Since the parties have agreed that they do not want to go with the criminal prosecution which arises out of matrimonial dispute, hence, the cognizance order under challenge stands *quashed* to prevent the abuse of process of the court and both these applications stand *allowed*, accordingly,

8. The parties have mutually agreed for divorce against each other. Hence, their marriage shall be treated as dissolved from today, with payment of permanent alimony.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.08.2019
Transmission Date	13.08.2019

