

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19283 of 2015**

Arising Out of PS. Case No.-36 Year-2013 Thana- MAHILA P.S.
District- Siwan

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1. Rajpati Singh Son of Late Suraj Singh,
 2. Sunaina Devi @ Sunaina Wife of Rajpati Singh,
 3. Niki Kumari @ Asmita Singh, Daughter of Rajpati Singh,
 4. Amrita Kumari @ Amrita Singh, Daughter of Rajpati Singh,
 5. Amit Kumar Singh @ Amit Singh, Son of Rajpati Singh
 6. Nakul Singh, Son of Rajpati Singh,
 7. Bhim Singh, Son of Rajpati Singh
- All residents of village Ganga Karamtar, P.S. - Bhaluwani, District
- Deoria U.P.

... .. Petitioners

Versus

1. The State Of Bihar
2. Rita Devi, Daughter of Rajendra Prasad Singh, present address
Nae Basti Mahadeva, P.O., P.S. and District - Siwan.

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Shubh Narain Singh, Advocate
For the State : Mr. Navin Kr.Panday, APP
For Opp. Party No. 2 : Mr. Angad Kunwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 22-11-2019 Learned Advocate for the petitioners is

permitted to delete the name of petitioner no. 1 namely,

Rajpati Singh as he is reported to be dead.

Heard Mr. Shubh Narain Singh, learned



Advocate for the petitioners and Mr. Angad Kunwar, learned Advocate for the opposite party no. 2. Learned APP has rendered assistance on behalf of the State.

This petition has been filed for quashing the order dated 17.10.2013 passed by learned Chief Judicial Magistrate, Siwan in Siwan Mahila P.S. Case No. 36 of 2013 whereby cognizance has been taken for the offences under Sections 341, 323, 498A, 494 and 506/34 of the Indian Penal Code.

During the pendency of this petition, a settlement has been arrived at between the parties and pursuant to such settlement, the opposite party no. 2 has gone to the matrimonial home and is residing there with all dignity and honour to which she is entitled.

Considering this aspect of the matter, the order taking cognizance against the petitioners, who are related to the husband of opposite party no. 2, is set aside and the entire criminal prosecution arising out of the aforesaid case against the petitioners is quashed.



However, if the opposite party no. 2 is not kept well in her house, it will give rise to a fresh cause of action against the accused persons.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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