

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4748 of 2016

Arising Out of PS. Case No.-372 Year-2013 Thana- PHULWARISHARIF District- Patna

1. Pankaj Kumar Suman, Son of Late Sukath Ram
2. Krishnamati Devi W/o Late Sukath Ram
3. Sandhya Kumar S/o Late Sakath Ram
4. Praveen Kumar S/o Late Sukath Ram Petitioner No. 1 to 4 are resident of village - Bhata Pokhar, P.S. Muffasil, District - Siwan
5. Karuna Devi W/o Biresh Das
6. Biresh Das S/o Late Phulena Ram Petitioner No. 5 to 6 are resident of village - Pipra, P.S. Andar, District - Siwan
7. Manju Devi W/o Binod Ram
8. Binod Ram S/o Sulan Ram Petitioner No. 7 to 8 are resident of village - Rampur Nikti Bhairwa Darauli Road, P.S. Darauli, District - Siwan
9. Shashi Bala @ Shashi Bala Devi W/o Munna Ram Resident of village - Arwa Mahadev, P.S. Meerganj, District - Gopalganj
10. Kiran Devi @ Kiran W/o Sri Ram Das resident of village - Saruhari Dih, P.S. N.H. Nagar, District - Siwan

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Vijaya Raje D/o Shiv Mangal Sinha, W/o Pankaj Kumar Suman Resident of Mohalla - Shaileshpuri, P.O. Anisabad, P.S. Phulwari Sharif, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 14-11-2019 The petitioner no. 1 is the husband of opposite party no. 2 whereas the other petitioners are related to petitioner no. 1 which includes the married and unmarried sisters and their husbands respectively. The



brothers of the petitioner no. 1 also have been made accused in this case.

It is a case of failed marriage between petitioner no. 1 and opposite party no. 2. During the course of investigation of the case, a settlement was arrived at between the parties; pursuant to which some monetary benefit also was given to opposite party no. 2. A decree of divorce has been obtained by the parties and opposite party no. 2 has solemnized marriage with somebody else.

These statements have been given by Mr. Rajeev Ranjan Sinha, the learned advocate who has appeared on behalf of the petitioners. Mr. Sinha has also informed this Court that the notice in this case to opposite party no. 2 was received by her father but till date, there is no appearance on her behalf.

Mr. Sinha has further informed this Court he is contesting the case on behalf of the petitioners in the court below where also, after filing a petition for



settlement and compromise, the opposite party no. 2 is not prosecuting the case any further.

Considering this aspect of the matter, this Court is of the firm view that no useful purpose would be served in allowing this prosecution against the petitioners to be continued any further.

The reason for saying so is that the petitioners would then otherwise be tied to this case in the event of opposite party no. 2 having re-married and leading a successful life. Any interference by the Court in this case would have the potential of disturbing the newly married life of opposite party no. 2. Apart from this, if a settlement has been arrived at pursuant to which monetary benefits also have been given to opposite party no. 2, there no reason why the prayer made by the petitioners for quashing the order of cognizance be not allowed.

For the aforesaid reasons, the prayer made by the petitioners is allowed. The order taking



cognizance dated 09.02.2015 passed by the learned
Judicial Magistrate, 1st Class, Patna in connection with
PWR P.S. Case No. 372 of 2013 is set aside.

The application stands allowed.

(Ashutosh Kumar, J)

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