

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62594 of 2018

Arising Out of PS. Case No.-1038 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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UJAWAL PRATAP @ UJAWAL PRASAD @ SANTOSH KUMAR son of
Late Lalan Prasad Yadav, R/o Mohalla- Pakri Chowk, Satiwara More, P.O.
+P.S.- Nawada, Town- Ara, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Manish Kumar son of Sri Chandrika Pd. Singh, Resident of Mohalla- Purvi Nand Gola, P.S.- Malsalami, District- Patna.
3. Sneha Kumari daughter of Chandrika Prasad Singh, Resident of Mohalla- Purbi Nandgola (Ghat Kinare), P.S.- Malsalami, P.O.- Madhav Mills, Town- Patna City, District- Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushik
For the Opposite Party/s : Mr.Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-09-2019 Heard learned counsel for the parties.

The sole petitioner is husband of opposite party
No.3. The petitioner has sought for quashment of order of
issuance of process dated 24.04.2018 passed by the learned Sub-
Divisional Judicial Magistrate, Patna City in connection with
Complaint Case No.1038 of 2017, whereby the petitioner has
been asked to appear and face trial for the offences under
Section 498A of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

Learned counsel for the opposite parties have no



objection in allowing the prayer of the petitioner for the reason that the parties have mutually dissolved their marriage by filing a joint petition under Section 13 (B) of the Hindu Marriage Act, 1955 and wife has already received Rs.11,00,000/- (Rupees Eleven Lacs) as permanent alimony on dissolution of marriage. A copy of the judgment of the dissolution of marriage dated 12th February, 2019 passed in Matrimonial Case No.671 of 2018 by the learned Principal Judge, Family Court, Patna is at *Annexure-P4* to the supplementary affidavit.

Submission is that parties had simultaneously agreed for withdrawal of criminal cases also.

In the aforesaid circumstances, the continuance of criminal proceeding would amount to abuse of process of the court. Hence, the impugned order and entire criminal proceeding stand ***quashed*** and this application is ***allowed***.

(Birendra Kumar, J)

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