

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4780 of 2015

Arising Out of P.S. Case No.-475 Year-2012 Thana- KANKARBAGH District- Patna

1. Sushila Devi, Wife of Late Chandrika Prasad.
 2. Anjani Kumar Sinha, Son of Late Chandrika Prasad.
 3. Anil Kumar alias Anil Kumar Sinha, Son of Late Chandrika Prasad.
- All resident of Mohalla - Chandmari Road, Patna, Near Om Seva Sadan, P.S.
- Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aruna Sinha, Wife of Sunil Kumar Sinha, Resident of Mohalla - Chandmari Road, Patna, Near Om Seva Sadan, P.S. - Kankarbagh, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivek Kumar Singh, Advocate
For the Informant	:	Mr. P. L. Jaiswal, Advocate
For the State	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT

Date : 10-05-2019

Heard learned counsel for the petitioners; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this application is preferred for
setting aside quashing First Information Report or
dropping Criminal proceeding against petitioners in
Kankarbagh Police Station Case No. 475/2012*



presently pending in the Court of Sri Satya Priya Anand, Judicial Magistrate, 1st Class, Patna.”

3. The allegation against the petitioners, by the opposite party no. 2-informant, is of assault leading to injury, torture by confining her in a room and also demand of dowry.

4. Learned counsel for the petitioners submitted that though the opposite party no. 2-informant has filed Kankarbagh PS Case No. 475 of 2012, against four persons i.e., the petitioners and her husband Sunil Kumar Sinha, who is the son of the petitioner no. 1, but later on, with the intervention of well wishers and relatives, the case has been compromised between the parties and a joint compromise petition has been filed before the Court below on 07.02.2014. He drew the attention of the Court to Annexure-2, which is copy of the said compromise petition. It was submitted that no order is being passed on the same by the Court below.

5. Learned counsel for the opposite party no. 2, who has appeared *suo motu*, on a query of the Court with regard to the compromise, fairly submitted that such compromise has been filed. However, he submitted that still the petitioners are not fully accepting the opposite party no. 2 to enable her to live comfortably in the matrimonial home.



6. Learned APP submitted that in view of the compromise, the Court may show indulgence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case for interference has been made out.

8. First and foremost, the matter relates to matrimonial dispute. Once the parties have themselves compromised, in evidence thereof, copy of the compromise petition filed by the parties before the Court below is on record, which is not disputed by learned counsel for the opposite party no. 2, the Court finds that for securing the ends of justice, the criminal case requires to be finally put to an end.

9. Accordingly, the application is allowed. The First Information Report relating to Kankarbagh PS Case No. 475 of 2012, including all orders which may have been passed in the said proceeding, stands quashed. However, the same shall be subject to the petitioners and the husband of opposite party no. 2 ensuring that the opposite party no. 2 is kept in the matrimonial home with full dignity, honour and security. Further, the husband of the opposite party no. 2 shall take care for all her needs, including medical expenses, as and when required. The opposite party no. 2, shall be free to talk to, meet and visit her relatives without any let



or hindrance by the petitioners or the husband of the opposite party
no. 2.

10. In the event of any violation of the aforesaid terms, it shall be open to the opposite party no. 2 to file an application before this Court. It is made clear that since the Court has interfered on the aforesaid conditions, violation would lead to automatic revival of the criminal case pertaining to Kankarbagh PS Case No. 475 of 2012 and the present order shall be deemed to have been automatically withdrawn and the application dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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