

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37905 of 2015

Arising Out of P.S. Case No.-2 Year-2015 Thana- RAJIV NAGAR District- Patna

1. Om Prakash Lall, Son of Late Jadunandan Lall.
2. Sarita Lall, Wife of Om Prakash Lall.
3. Riskhika Lall @ Anshu aged about 26 years daughter of Om Prakash Lall and Wife of Sri Akash Singh.

All resident of A/10, Road No. 18, Rajeev Nagar, Police Station - Rajeev Nagar, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar and D/o Onkar Sharan Prasad R/o House No. 31, Road No. 6, East Patel Nagar, P.S. Shastri Nagar, District – Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 39329 of 2015

Arising Out of D.V. Case No.-286 Year-2014 Thana- DOMESTIC VIOLENACE District- Patna

1. Om Prakash Lall, Son of Late Jadunandan Lall.
2. Sarita Lall, Wife of Om Prakash Lall.

Both resident of A/10, Road No-18, Rajeev Nagar, Police Station- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar, R/o House No-31 Road No-6, East Patel Nagar, P.S.- Shastri Nagar, District- Patna.



... .. Opposite Party/s

with

Criminal Miscellaneous No. 39541 of 2015

Arising Out of Complaint Case No.-28489 Year-2014 Thana- PATNA COMPLAINT CASE
District- Patna

1. Om Prakash Lall, Son of Late Jadunandan Lall.
2. Sarita Lall, Wife of Om Prakash Lall.

Both residents of A/10, Road No. - 18, Rajeev Nagar, Police Station - Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar and D/o Onkar Sharan Prasad R/o House No - 31, Road No - 6, East Patel Nagar, P.S. - Shastri Nagar, District - Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 42182 of 2015

Arising Out of D.V. Case No.-286 Year-2014 Thana- DOMESTIC VIOLENCE District- Patna

Sumit Kumar, aged about 35 years, Son of Om Prakash Lall, Resident of A/10, Road No. 18, Rajeev Nagar, Police Station Rajeev Nagar, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar



2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar, R/o House No. 31, Road No. 6, East Patel Nagar, P.S. Shastri Nagar, District – Patna.

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 38253 of 2015

Arising Out of P.S. Case No.-2 Year-2015 Thana- RAJIV NAGAR District- Patna

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Sumit Kumar, aged about 35 years, Son of Om Prakash Lall, resident of A/10, Road No.-18, Rajeev Nagar, Police Station- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar and D/o Onkar Sharan Prasad R/o House No-31, Road No-6, East Patel Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 37928 of 2015

Arising Out of Complaint Case No.-28489C Year-2014 Thana- PATNA COMPLAINT CASE
District- Patna

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Sumit Kumar, aged about 35 years, Son of Om Prakash Lall, resident of A/10, Road No. 18, Rajeev Nagar, Police Station - Rajeev Nagar, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aparajita Prasad @ Aparajita, Wife of Sumit Kumar, R/o House No. 31, Road No. 6, East Patel Nagar, P.S. Shastri Nagar, District – Patna.



... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 37905 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bipin Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

(In Criminal Miscellaneous No. 39329 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bipin Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

(In Criminal Miscellaneous No. 39541 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bipin Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

(In Criminal Miscellaneous No. 42182 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bipin Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

(In Criminal Miscellaneous No. 38253 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Bipin Kumar, Advocate
For the State : Mr. Rana Randhir Singh, A.P.P.

(In Criminal Miscellaneous No. 37928 of 2015)

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate



Mr. Bipin Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-02-2019

Heard Mr. P. K. Shahi, learned senior counsel along with Mr. Sanjiv Sharan, learned counsel for the petitioners; Mr. Ramakant Sharma, learned senior counsel along with Mr. Bipin Kumar, learned counsel for the opposite party no. 2 and Mr. Jharkhandi Upadhyay, learned A.P.P. for the State.

2. Pursuant to order dated 20.02.2019, a joint affidavit has been filed on behalf of opposite party no. 2 and her husband, who is also one of the petitioners in the present batch cases. The same details the agreement of one time settlement between the parties.

3. The Court deems it appropriate to incorporate the entire pleadings in the joint affidavit filed today which reads as under:

“1. That the aforesaid parties have decided to amicably settled all the above said matters, which are pending between them, with their mutual consent.

2. That both the parties have decided mutually that petitioner Sumit Kumar will give as sum of Rs. 85,00,000/- (Eighty five lacs) through a Bank draft in the name of opposite party no. 2 APARAJITA within Two months from today i.e., 20-02-2019 in installments. First installment of Rs.



40,00,000/- (Forty Lacs only) will be given to Opposite Party No. 2 Aparajita within 15 days from today as a bank draft in her name. Second and final installment of the remaining amount of Rs. 45,00,000/- (Forty Five Lacs) only will be given to the Opposite Party No. 2 Aparajita within 19th of April, 2019.

3. That the petitioner Sumit Kumar and Opposite Party no. 2, Aparajita are also ready to dissolve their marriage dated 12-12-2008, solemnized as per the HINDU Rituals and the said Marriage Registrar, Patna, by giving a compromise petition in Matrimonial Case No. 674/2013, which has been filed by the petitioner (Sumit Kumar) the said case is pending before the learned Additional Principal Judge, Family Court, Patna.

4. That the Opposite Party No. 2 ready to dissolve their marriage with petitioner, Sumit Kumar after receiving Rs. 85,00,000/- (Eighty five lacs) as a full and final settlement of one time alimony from the petitioner.

5. That Opposite Party No. 2 declares that no case is pending any where against the petitioner (husband Sumit Kumar) his parents and sister or family members except the following cases:-

- (i) Complaint Case No. 28489/C/2014
- (ii) Rajiv Nager P.S. Case No. 2 of 2015, G.R. No. 185/15.
- (iii) Domestic Violence Case No. 286 of 14.
- (iv) Civil Misc. No. 584/2018.

6. That the petitioner Sumit Kumar has filed a Complaint Case No. 707 of 2018 against the Opp. Party No. 2 and he will withdraw the cases within stipulated period. The parents and sister of the petitioner, Sumit Kumar also declare that they have not filed any case against, Aparajita and her family members anywhere except the above said case.

7. That, Rishika Lall @ Anshu, sister of the petitioner (Sumit Kumar) has also filed a Complaint Case No. 2255/ C/2016 and the same will also be withdrawn a stipulated period. The parents and sister of the petitioner, Sumit Kumar also declares that they have not filed any case,



against, Aparajita and her family members any where except the above said case.

8. That, Cr. Rev. No. 81/2015 against Opposite Party No. 2 had already been dismissed.

9. That, both the party Sumit Kumar and Opposite Party No. 2 Aparajita are ready to take the Divorce in the Matrimonial Case No. 674/2013. Opposite Party No. 2 Aparajita is also ready for not taking any alimony, any maintenance, any type of gift, any Jewellery or any type of house hold article from her husband Sumit or his relatives after taking the one time settled money i.e., Rs. 85,00,000/- (Eighty Five Lacs) only.

10. That both the parties have agreed for not claiming anything from each other or their family members in future after this settlement.

11. That, both the parties are free to marry after the divorce decree from the learned court below in matrimonial case no. 674/2013.

12. That, Sumit Kumar will revalidate the drafts for 63 thousand only in favour of Aparajita, which are deposited earlier in the Complaint Case No. 28489 of 2014.

13. That, husband or any other member of his family and wife Aparajita or any other member would not try to reach out to them or their family members in person or through any means of communication in order to interfere in their personal or professional life.

14. That in view of such settlement and agreement there is no grievance pending between the parties.

15. That the Joint Compromise petition is being filed by the above said parties without any fear or undue influence and on their own free will.

16. That the Joint petition is being signed and affidavited by both the parties alongwith their respective counsels.”

4. Having regard to the aforesaid, the Court issues the following directions:



5. The parties, shall discharge the onus on them in terms of the compromise within the time schedule indicated.

6. Further, with regard to the cases which are pending and are now required to be disposed off, the party which has filed the case(s) shall file a copy of this order along with an application seeking closure of the case in terms of the present compromise between the parties.

7. Upon doing so, the concerned Court(s) concerned shall pass orders with regard to withdrawal/closure of the cases without any undue delay.

8. The Court excepts that henceforth the parties shall not meddle with each other's affairs and shall have cordial relationship.

9. As has been agreed between the parties, in the Matrimonial Case No. 674 of 2013, filed by the husband of the opposite party no. 2, seeking divorce, the opposite party no. 2 shall file her consent with regard to the marriage being dissolved. The mandatory waiting period for filing such mutual consent/matrimonial case stands waived. It goes without saying that such petition shall be filed by the opposite party no. 2 on receiving the full and final settlement amount of Rs. 85,00,000/-.



10. In the aforesaid background, the applications are allowed. The entire criminal proceeding arising out of Rajiv Nagar P.S. Case No. 2 of 2015, including the order of cognizance dated 05.06.2015, stand quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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