

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1221 of 2017

Arising Out of PS. Case No.-433 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Om Prakash Arya @ Om Prakash Son of Late Ajay Kumar Singh @ Ajay Singh.
 2. Nirmala Devi Wife of Late Ajay Kumar Singh @ Ajay Singh Both resident of Village- Devdaha, P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Minu Devi, Wife of Om Prakash Arya @ Om Prakash and daughter of Upendra Singh, at present resident of Village- Bara, P.S. Kadirganj, Dist- Patna.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 1276 of 2017

Arising Out of PS. Case No.-273 Year-2014 Thana- DHANARUA District- Patna

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1. Om Prakash Arya @ Om Prakash Singh Son of late Ajay Kumar Singh@Ajay Singh
 2. Nirmala Devi Mother -in-law Wife of late Ajay Kumar Singh@Ajay Singh Both resident of Village- Devdaha P.S. Dhanarua, District- Patna.
 3. Subhash Chandra Gandhi@Subhash Chandra Singh Maternal Uncle Son of Ram Yatan Singh@Ram Jatan Singh resident of Village- Gandhi Maidan, P.S. Mashaurhi, Distt.- Patna.
 4. Hardeo Singh Fufa Son of late Santlal Singh Resident of Village- Sampatchak, P.S. Gopalpur, Distt- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Minu Devi Wife of Om Prakash Arya and daughter of Upendra Singh Resident of Village- Bara , P.S. Kadirganj, Distt- Patna.

... .. Opposite Party/s



Appearance :

(In Criminal Miscellaneous No. 1221 of 2017)

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr. Umeshnand Pandit

Mr. Madan Mohan Prasad

(In Criminal Miscellaneous No. 1276 of 2017)

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.Umeshnand Pandit

Mr. Madan Mohan Prasad

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 08-02-2019 Cr. Misc. No. 1221 of 2017 which has been filed by Om Prakash Arya @ Om Prakash and Nirmala Devi, husband as well as mother-in-law of Minu Devi, opposite party no.2, against the order dated 14.09.2015 passed by Sri Hare Ram, Judicial Magistrate 1st Class, Mashaurhi, Patna in connection with Complaint Case No. 433(C)/2015, whereby and whereunder they have been summoned to face trial for offence under Sections 323, 498-A and 504 of the Indian Penal Code, Cr. Misc. No. 1276 of 2017 which has been filed on behalf of Om Prakash Arya @ Om Prakash Singh, Nirmala Devi, Subhash Chandra Gandhi @ Subhash Chandra Singh and Hardeo Singh asking for quashing of F.I.R./investigation/ prosecution relating to Dhanaura PS Case No. 273 of 2014 lodged by Minu Devi (opposite party no. 2) on account thereof, with consent of the parties have been heard together and are being disposed of by a common judgment.

Sri Rudra Deo, learned counsel appearing on behalf of



the petitioners in both these petitions while Sri Madan Mohan Prasad, learned counsel appearing on behalf of Minu Devi, opposite party no.2 -complainant/informant in both the cases have submitted that both the cases have been compromised as the differences amongst the spouses have permanently been resolved and that being so, the F.I.R./investigation relating to Dhanaura PS Case No. 273 of 2014 be quashed as the same is still under investigation and in the likewise manner, the order of cognizance dated 14.09.2015 relating to Complaint Case No. 433(C)/2015 be also set aside.

In the cases of *B S Joshi & Ors. v. State of Haryana & Another [(2003) 4 SCC 675]* as well as *Azhar Hussain v. State of Bihar & Another [2009(3) PLJR 186]* it has been held that though the offence registered under Section 498-A of the IPC happens to be non-compoundable but, considering the nature of the dispute, matrimonial one amongst the spouses, that being so, the event of compromise has to be accepted. Whereupon the proceeding has to be quashed on that very ground.

Considering the same, the proceeding of Dhanarua PS Case No. 273 of 2014 is quashed and in likewise manner, the order dated 14.09.2015 passed in connection with Complaint



Case No. 433 (C)/2015 pending before Sri Hare Ram, Judicial
Magistrate 1st Class, Mashaurhi, Patna/successor-in-office, is
also hereby set aside.

Accordingly, both these petitions are allowed.

(Aditya Kumar Trivedi, J)

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