

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73200 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- Mahila P.S. District- Nalanda

1. Shailesh Kumar Chandra, Son of Late Bhatuu Mahto
2. Savitri Devi Wife of Shailesh Kumar Chandra
3. Pawan Kumar Sopnof Sri Shailesh Kumar Chandra
4. Bibha Kumari Wife of Sri Pawan Kumar
5. Jitendra Kumar Son of Sri Shailesh Kumar Chandra
6. Nisha Kumar @ Nisha Kumari wife of Jitendra Kumar All Resident of Village-Aksari,P.S. Silao,Distt.-Nalanda at present residing atj Patel lColony,Betaura Road,Beur,near I.N. Digital Network,P.S. Beur j at and Distt.-Patna
7. Santosh Kumar Son of Sri Mithilesh Kumar Verma
8. Sunita Kumari Wife of Santosh Kumar and D/o of Sri Sailesh Kumar Chandra Both resident of 109/110, Lane No.4, Bhagwati Garden Jain Road,Satyam Public School,Mohan Garden, P.S. Uttam Nagar West,Dellhi-110059
9. Radha Kumari wife of Ajit Resident of 3rd. Floor,Gautam Marg,Binod Nagar,E-Block,Superfine Chauk,P.S. Binod Nagar,New Delhi-110091

... .. Petitioner/s

Versus

1. State of Bihar
2. Priyanka Kumari wife of Sri Praveen Kumar Resdent of resident of Village-Aksari,P.S. Silao,Distt.-Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2019 Heard the learned counsel for the parties.

The petitioners, who are relatives of the husband of the informant / Opposite Party No. 2, have sought quashing of the order dated 25.09.2018 passed by learned



S.D.J.M., Nalanda at Bihar Sharif in connection with Mahila P. S. Case No. 08 of 2018, whereby cognizance has been taken under Sections 323, 504, 506, 34 and 498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

It has been submitted on behalf of the petitioners that they have been made accused only on account of their being related to the husband of Opposite Party No. 2.

It has also been submitted that vague and general allegations have been levelled against all the members of the matrimonial home of Opposite Party No. 2.

The husband of Opposite Party No. 2 is still in jail, who, this Court has been informed, has refused to settle the dispute with the informant / Opposite Party No. 2.

Learned advocate, who has appeared on his own on behalf of Opposite Party No. 2 submits that now the charges have been framed against the petitioners.

Considering the fact that charges have already been framed against the petitioners, this Court is not inclined to entertain the present petition.



However, it would be open for the petitioners, even if the discharge petition has been rejected, to appear before the Court and make request to send the case to mediation before proceeding with the trial, if the Opposite Party No. 2 / informant is agreeable for the same. After all, it is a matrimonial dispute and it would be in the interest of the parties that an amicable settlement is arrived at.

If such an application would be filed by the petitioners before the trial court, the same shall be considered on its own merits, without being prejudiced with the fact that the present petition has not been entertained by this Court.

The present petition is rejected with the aforesaid observation.

(Ashutosh Kumar, J)

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