

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39165 of 2019

Arising Out of PS. Case No.-1583 Year-2006 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Arun Kumar Singh, aged about 55 years, male, Son of Late Satyanarayan Singh, Resident of Village - Bhagatpur, P.S.-Balua, Distt - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhulika Singh, D/o Shashibhushan Shahi, Resident of Village - Adampur Chauk, through Om Prakash B.B. Trading Purana Office Ke Samip, P.S.- Adampur, Distt. - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-07-2019 The petitioner, who is alleged to be the husband of the opposite party No. 2, seeks quashing of the order dated 11.02.2019 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1583 (C) of 2006, whereby the petition for discharge preferred on behalf of the petitioner has been rejected.

2. Mr. Shekhar Singh, the learned Advocate for the



petitioner has submitted that an absolutely false case has been lodged by the complainant/opposite party No. 2 against the petitioner. In proof of the aforesaid contention, it has been submitted that despite the fact that the complainant/opposite party No. 2 is a law graduate, she has not mentioned relevant facts in the complaint petition, *e.g.*, the date of marriage. It has further been submitted that in the bank account of the complainant/opposite party No. 2, there is no reference of the petitioner as her husband. Likewise, many other grounds have been taken in the present petition, assailing the order refusing to discharge him and the substratum of the entire defense of the petitioner is that the opposite party No. 2 is a complete stranger and impostor the petitioner does not know her.

3. Such statement of fact has to be tested at the trial and this cannot be the ground of discharge at any stage prior to the trial where such defense could be tested.

4. This Court is not inclined to interfere with the order refusing to discharge.

5. However, even if the charges are framed and



the trial has proceeded, the petitioner, if desirous that an amicable settlement be effected with the complainant/opposite party No. 2, subject to her approval, may make this intention known to the Trial Court, who shall act with urgent dispatch in accordance with the law as settlement in matrimonial disputes is always favoured to a contested trial.

6. Should such a petition be filed by the petitioner, the same shall be looked into by the Trial Court and a reasoned order shall be passed in accordance with law.

7. With the aforesaid observation/direction, the petition stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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