

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2194 of 2018

Arising Out of PS. Case No.-102 Year-2016 Thana- SULTANGANJ District- Bhagalpur

ABODH KUMAR ANAND @ ABADHESH KUMAR ANAND S/o Shiv Narayan Prasad Singh @ Shiv Narayan Prasad, R/o Village- Narayanpur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Kanchan Kumari D/o Bateshwar Mandal, R/o Village P.O.- Khariya, P.S.- Bariyarpur, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta
For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-10-2019 The petitioner, who is the husband of Opposite Party No. 2, seeks quashing of the order dated 09.02.2017 passed by the learned A.C.J.M., 1st, Bhagalpur in connection with Sultanganj P. S. Case No. 102 of 2016 (G. R. No. 1867 of 2016), whereby cognizance has been taken under Section 498(A) of the Indian Penal Code.

Mr. Dhananjay Kumar Gupta, learned counsel for the petitioner has submitted that Opposite Party No. 2 is a teacher by profession and has also filed a divorce case. Despite the intentions of the petitioner to resume the matrimonial relationship, the Opposite Party No. 2 is



adamant to oppose such move of sitting across the table for mediation. These grounds have been urged for impressing upon this Court that the criminal case has been filed with an oblique motive so that the Opposite Party No. 2 gets rid of the petitioner and the marriage is dissolved.

The learned counsel for the Opposite Party No. 2 has stoutly resisted the proposal of the petitioner for sending the case to the mediation centre of Patna High Court. He submits that it is only a ploy for the purpose of seeking interim relief from the Court.

From the arguments advanced on behalf of the respective parties, this Court has come to the opinion that the marriage between the parties have irretrievably broken down.

The allegations in the F.I.R. and the materials collected during the course of investigation do not warrant any interference at this stage of cognizance. In case the channel of communication is opened and the parties see reason for settling the dispute amicably, effort shall be made by the parties and the rejection of the present petition would



not come in the way of the petitioner seeking further relief before an appropriate forum under the changed circumstances.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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