

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33161 of 2011

1. Dhananjay Paswan Late Basudeo Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa
2. Ram Ratan Paswan Late Prasudeo Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa
3. Sheela Devi Ram Ratan Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa
4. Kumdheri Devi Late Basudeo Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa
5. Mukesh Paswan Late Basudeo Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa
6. Rinku Devi@Rink Kumari Mukesh Paswan Vill-Birwar, P.S-Mahishi, Dist-Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarita Devi, wife of Dhananjai Paswan daughter of Bhola Paswan, resident of vill-Mahisarho, P.S-Mahishi, Distt-Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Jha, Advocate
For the Opposite Party No. 2	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the petitioners; learned A.P.P.
for the State and learned counsel for the opposite party no. 2.



2. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That, this application on behalf of the petitioners above name against the order dated 25.01.2010 passed by the learned S D J M Saharsa in complaint case No. 1666 (C) of 2009 dated 15.10.2009 under Section 498 A of the Indian Penal Code and Section 4 of Dowry Prohibition Act where by the cognizance has been taken against the all petitioners is directed in the following circumstances.”

3. The petitioner no. 1 is the husband of the opposite party no. 2 and the other petitioners are his relatives. The allegation against them is demand of motorcycle and assault and also that the petitioner no. 1 was in illicit relationship with another woman.

4. Learned counsel for the petitioners submitted that in Matrimonial Case No. 111 of 2009 filed by the petitioner no. 1 against the opposite party no. 2 for restitution of conjugal rights, a compromise has been entered into between the parties and the case was disposed off. It was further submitted that in Miscellaneous Case No. 166 of 2009 filed by the opposite party no. 2 against the petitioner no. 1, the case was disposed off by order dated 16.11.2011 in view of the amicable settlement between the parties under which the petitioner no. 1 is paying monthly maintenance of



Rs. 3,000/- to the opposite party no. 2 and Rs. 1,500/- to the son, that is, a total of Rs. 4,500/- per month and the same has been paid till November, 2018. Learned counsel submitted that once the Matrimonial and Miscellaneous cases have been compromised on amicably and mutually agreed terms, the criminal case should also be closed.

5. Learned A.P.P. and learned counsel for the opposite party no. 2 were not in a position to dispute the fact of compromise between the parties, both in the matrimonial case filed by the petitioner no.1 against the opposite party no. 2 and the miscellaneous case filed by the opposite party no. 2 against the petitioner no. 1.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case for exercise of inherent powers of this Court, to prevent the abuse of the process of the court and to otherwise secure the ends of justice, has been made out.

7. In view thereof, the application is allowed. The order dated 25.01.2010 passed in Complaint Case No. 1666(C) of 2009 by which cognizance has been taken against the petitioners under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act stands quashed.



8. However, this will be subject to the petitioner no. 1 acting in terms of the compromise entered into between the parties.

(Ahsanuddin Amanullah, J)

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