

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36506 of 2011

1. Asif Ekbal @ Md. Asif Ikbal Son of Jainuddin Ansari, Resident of Village - Dehari, P.S. Rajpur, District - Buxar, At Present - Resident of New Azad Nagar Dhanbad, P.S. Bhooli, District – Dhanbad (Jharkhand).
2. Jainuddin Ansari Son of Late Abdul Ansari, Resident of Village - Dehari, P.S. Rajpur, District - Buxar, At Present Resident of New Azad Nagar Dhanbad, P.S. Bhooli, District – Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaz Bano Wife of Asif Ekbal, Daughter of Sarvar Hassan, Resident of Village - Birpur, P.S. Bhawarkol, District - Ghazipur (U.P.).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the Opposite Party No. 2	:	Mr. Bijay Prakash Singh, Advocate
For the State	:	Mr. Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 09-05-2019

Heard learned counsel for the petitioners; learned APP
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 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application for Quashing
the order dated 28.3.2011, passed by Sri K.K.
Choudhary, learned Judicial Magistrate, 1st Class,
Kaimur (Bhabua), in connection with Complaint
Case No. 155/2011, Tr. No. 1893/2011, whereby
and where under Cognizance of offence under
Section 147, 323, 379, 498A of the Indian Penal
Code was taken and thus Summons were issued*



against these petitioners. That it is further prayed that during the pendency of the application Impugned Order dated 28.3.2011, as also the Entire Proceedings pursuant to Complaint Case No. 155/2011, Tr. No. 1893/2011, may kindly be stayed.”

3. The petitioner no. 1 is the husband of the opposite party no. 2 and father-in-law of the opposite party no. 2, who has filed the complaint case.

4. Today, at the Bar, learned counsel for both the sides submitted that the opposite party no. 2 is now living in the matrimonial home with the husband i.e., petitioner no. 1 since the last two months and there is no complain. In such view of the matter, a joint prayer was made that the Court may allow the application.

5. Learned APP does not oppose.

6. Having regard to the aforesaid, the matter relating to matrimonial discord and now the parties living together, the Court deems it appropriate to exercise its inherent power under Section 482 of the Code for putting an end to the criminal proceeding between the parties.

7. Accordingly, the application is allowed. The entire criminal proceeding arising out of Compliant Case No. 155 of 2011 (TR No. 1893 of 2011) pending before the Court below at Kaimur (Bhabhua), including the order dated 28.03.2011, by



which cognizance has been taken, stands quashed subject to the condition that the petitioners shall keep the opposite party no. 2 in the matrimonial home with full dignity, honour and security and also take care of all her needs. Further, the opposite party no. 2 shall be permitted to meet, talk to and go to her relative's place without any let or hindrance. The petitioner no. 1 shall also take care of all the needs of the opposite party no. 2, including medical expenses, as may be required and shall also ensure that she has sufficient money to take care of her miscellaneous expenses.

8. Any violation of the aforementioned terms shall entitle the opposite party no. 2 to file an appropriate application bringing to the notice of the Court such violation and for seeking appropriate order on the same, including cancellation of bail.

(Ahsanuddin Amanullah, J.)

P. Kumar

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