

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 521 of 2018

Arising Out of P.S. Case No.-10 Year-2012 Thana- MAHILA PS District- Buxar

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Sakina Begum, Wife of Abid Hussain, Resident of Village- Chousa near Durga Mandir, P.S.- Buxar (Muffasil) District- Buxar. At Present Sakina Begum Daughter of Late Abdul Sattar, Resident of 115/241 Maswanpur, P.S.- Kalyanpur, District- Kanpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abid Hussain Son of Md. Ekbal.
3. Jubaida Begum Wife of Md. Ekbal.
4. Md. Ekbal Son of Late Abdul Samman, All Resident of Village- Chousa, near Durga Mandir P.S.- Buxar (Muffasil), District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha and Mr. Akhilesh Kumar Pandey, Advocates
For the Opposite Parties No. 2 to 4	:	Mr. Arun Kumar Gupta, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-09-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite parties no. 2 to
4.



2. The petitioner has moved the Court under Sections 397 and 401 of the Code of Criminal Procedure, 1973, against the judgment dated 23.02.2018 passed in Cr. Appeal No. 40 of 2017, by the Additional District and Sessions Judge, VI, Buxar by which the judgment and order dated 19.06.2017 passed in GR No. 1310 of 2012/Registration No. 7705 of 2013, by the SDJM, Buxar has been modified with regard to conviction and sentence of the opposite parties no. 2 to 4.

3. The petitioner is the wife of the opposite party no. 2. She had filed the case alleging demand of dowry and torture and also assault against the opposite parties no. 2 to 4, in which, upon trial, the opposite parties no. 2 to 4 were convicted under Sections 325 and 498A of the Indian Penal Code and sentenced to undergo rigorous imprisonment of three years and fine of Rs. 5,000/- and in default of payment of fine to undergo six months simple imprisonment under Section 498A of the Indian Penal Code and to undergo rigorous imprisonment for three years and fine of Rs. 5,000/- and in default of payment of fine, six months simple imprisonment under Section 325 of the Indian Penal Code and six months imprisonment and fine of Rs. 1,000/- and in default to undergo one month simple imprisonment under Section 4 of the Dowry Prohibition Act.



4. On appeal, the conviction was interfered with and they were acquitted under the aforesaid Sections but held guilty under Section 323 of the Indian Penal Code and it was directed that the trial Court upon their appearance, would discharge them after admonition giving them benefit of Section 3 of the Probation of Offenders Act. The same has been assailed in the present application by the petitioner who was the informant in the said case.

5. Earlier, the matter was adjourned on a few occasions to enable learned counsel for the parties to inform the Court as to whether they were ready for a settlement in view of the fact that basically the issue relates to matrimonial discord. Today, learned counsel for the parties submitted that they are agreeable to a one time settlement. It was submitted that the opposite parties no. 2 to 4 shall pay Rs. 2 lakhs to the petitioner under the said terms and the petitioner shall compromise in Divorce Case No. 68 of 2016, pending before the Principal Judge, Family Court, Buxar and Maintenance Case No. 164 of 2013 also pending before the Principal Judge, Family Court, Buxar. The petitioner also agreed not to press the present application.



6. Having regard to the aforesaid, the application stands disposed off in terms of the compromise arrived between the parties which is recorded hereinunder:

(i) The opposite parties no. 2 to 4 shall pay Rs. 2 lakhs to the petitioner, either in one go or in installments, but the same shall be paid latest by 30th April, 2020. Thereafter, an affidavit shall be filed on behalf of the opposite parties no. 2 to 4, latest by 10th May, 2020, by way of an Interlocutory Application in the present case itself bringing on record materials showing payment of Rs. 2 lakhs.

(ii) In the meantime, the opposite party no. 2 shall not press the Divorce case and the petitioner shall not press her Maintenance case.

(iii) After the entire amount of Rs. 2 lakhs is paid by 30th April, 2020, the petitioner shall file a petition in Divorce case with regard to her not opposing the divorce. The Court below shall pass appropriate orders in terms thereof within one month from the date of filing of the compromise petition.

(iv) The petitioner shall also, upon receiving Rs. 2 lakhs withdraw her Maintenance case filed before the Court below within one month of Rs. 2 lakhs being paid to her.



7. Learned counsel for the petitioner agrees to provide the Bank details of the petitioner to learned counsel for the opposite parties no. 2 to 4, within two weeks from today so that payment can be made in favour of the petitioner in such account of the petitioner.

8. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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