IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16503 of 2014

Arising Out of Complaint Case No.-3305 C Year-2013 Thana- PATNA COMPLAINT CASE District- Patna

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1. Sunil Kumar Sinha Son of Biseshwar Pd. Sinha.
2. Munna Kumar Sinha Son of Biseshwar Pd. Sinha.
3. Shankar Kumar Sinha Son of Biseshwar Pd. Sinha.
4. Niranjan Kumar Sinha @ Ranjan Sinha Son of Biseshwar Pd. Sinha.
5. Anjana Sinha @ Rani Sinha Wife of Ranjan Kumar Sinha, All Resident of Mohalla Manaitand, Bhawtarini, Mandir Path, Police Station Dhansar, District Dhanbad (Jharkhand).

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Swati Sinha Wife of Manoranjan Kumar Sinha, Daugnter of Ramji Kumar Sinha Resident of Mohalla Punaichak, Near Punjab National Bank, Police Station Shastri Nagar, District Patna.

... ... Opposite Party/s

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with

Criminal Miscellaneous No. 48417 of 2014

Arising Out of Complaint Case No.-3305 C Year-2013 Thana- PATNA COMPLAINT CASE District- Patna

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1. Bisheshwar Prasad Son of Late Basudeo Lal Resident of Mohalla Manaitand, Bhawtarini Mandir Path, Police Station Dhansar, District Dhanbad (Jharkhand).
2. Manoranjan Kumar Sinha Son of Bisheshwar Pd. Instrument Section Officer, B.T.P.S. 'B' Bokaro Thermal, Bokaro (Jharkhand).

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Swati Sinha Wife of Manoranjan Kumar Sinha, Daughter of Ramji Kumar Sinha Resident of Mohalla Punaichak, near Punjab National Bank, Police Station Shastri Nagar, District Patna.

... ... Opposite Party/s

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Appearance :
(In Criminal Miscellaneous No. 16503 of 2014)
For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Nityanand, Advocate
(In Criminal Miscellaneous No. 48417 of 2014)
For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the petitioners; learned A.P.Ps. 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 is an application is being filed for invoking inherent power of this Hon'ble Court for quashing the order taking cognizance and issuing summon dated 19.11.2013 in Complaint Case No. 3305(C) of 2013 passed by the learned Judicial Magistrate, 1st Class, Patna by which he has been pleased to took cognizance under section 498(A) of the Indian Penal Code and 3/4 of the Dowry Prohibition Act against the petitioners.*"

3. The opposite party no. 2 is the wife of the petitioner no. 2 in Cr. Misc. No. 48417 of 2014 and the rest are family members of her husband.

4. The allegation against the petitioners is of demand of dowry, torture and taking away of ornaments.

5. Learned counsel for the parties at the very outset submitted that in terms of the earlier order of the Court dated 31.01.2018, the entire payment of Rs. 8.50 lakhs has been made to

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the opposite party no. 2 and the matter has been compromised between the parties.

6. Having regard to the aforesaid, as the matter of compromise has not been disputed by learned counsel for the opposite party no. 2, as also it has not been disputed that payments as directed by the Court has been made to the opposite party no. 2, the Court finds that a case for interference has been made out, moreso in view of the fact that it relates to matrimonial dispute.

7. Accordingly, the applications are allowed. The order dated 19.11.2013 in Complaint Case No. 3305(C) of 2013 passed by the Judicial Magistrate, 1st Class, Patna taking cognizance against the petitioners under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, stands quashed.

(Ahsanuddin Amanullah, J)

P. Kumar

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