

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41064 of 2014

Arising Out of PS. Case No.-2205 Year-2007 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Devendra Ram Son of Punyadeo Ram Resident of Village Dubey Khareya,
P.S. Gopalpur, District Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Devi wife of Devendra Ram D/o Nathum Ram, resident of village-
Dubey Kharayan P.S. Gopalpur, Dist. Gopalganj resident at present village-
Sarsar P.S. Mufasil Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Rajendra Singh Shastrijee, App

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 18-01-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

*“That this is an application for
quashing the order dated 20.08.2014
passed by the learned Sessions Judge
Gopalganj in Criminal Revision No.
739 of 2014 whereby and where
under the revision petition preferred
against the order of declaring
absconder dated 05.02.2013 in*



*complaint case no. 2205 of 2007,
Trial No. 1297 of 2014 passed by the
learned S.D.J.M, Gopalganj was
dismissed.”*

3. The allegation made by the opposite party no. 2, who is the wife of the petitioner, is of torture and demand of dowry against the petitioner and four others accused. The Court below though had discharged the other relatives but issued summons against the petitioner. It has further, by order dated 05.02.2013, declared that the petitioner is absconder due to which the petitioner moved in Criminal Revision No. 739 of 2014 before the Sessions Judge, Gopalganj which was dismissed on the ground of limitation. In the present case, there is an interim order of stay of order dated 05.02.2013 in favour of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner after marriage had lived with opposite party no. 2 for some time and then gone to Dubai for work. Learned counsel drew the attention of the Court to Annexure-4, which is copy of petition jointly filed by the petitioner and others and the opposite party no. 2 in the court below on 03.04.2014, in which it has been stated that the parties have compromised the matter and do not want to live together and are free to marry. Learned counsel submitted that thereafter the opposite party no. 2 has also remarried.



5. Learned A.P.P. submitted that though there is allegation of torture and demand of dowry but could not controvert the fact with regard to compromise being filed by the parties before the court below.

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 interference has been made out. In a purely matrimonial matter in which there is general and omnibus allegation against the petitioner and the fact that later on the parties have filed a compromise before the court below itself, the criminal proceeding is also required to be finally closed.

7. Accordingly, the application is allowed. Complaint Case No. 2205 of 2007 corresponding to Trial No. 1297 of 2014 stands quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

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