

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48584 of 2014

Arising Out of Complaint Case No.-223 Year-2011 Thana- WEST CHAMPARAN
COMPLAINT District- West Champaran

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Ajeet Kumar S/o Late Shatrudhan Prasad r/o Haribatika Chowk, Basant Bihar
Sarisawa Road, Bettiah, P.S. Bettiah, P.S. Bettiah (Muffasil), District- West
Champaran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sanyukta Devi W/o Late Rajesh Kumar Barnwal R/o Haribatika Chowk,
Basant Bihar, Sarisawa Road, Bettiah, P.S. Bettiah (Muffasil), District- West
Champaran. At present Resident of Village Jamunia, P.S. Bathwariya,
District-West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Jitendra Kumar Singh 1 App

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2019

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

2. Learned counsel for the petitioner is permitted to
make necessary correction in the first paragraph of the
supplementary affidavit filed on behalf of the petitioner. Let the
same be done during the course of the day.

3. 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 of the order dated 20.02.2013 passed by learned S.D.J.M. Bettiah, West Champaran, in S.C. No. 778/2013 (arising out of Complaint Case No. 223 C/2011) whereby and whereunder the learned Court below has found prima facie case U/S 498A, 376 of I.P.C. and U/S 3, 4 of D.P. Act and ordered to issue processes against the accused persons including the petitioner.”

4. Though, the opposite party no. 2, who is the wife of the deceased brother of the petitioner had filed the case against the petitioner and other family members, but during the pendency of the case, the parties have amicably settled the dispute. In this regard, a joint affidavit has been filed on behalf of the petitioner and the opposite party no. 2 and a supplementary affidavit has also been filed on behalf of the petitioner.

5. As per the said compromise, the value of the share in the ancestral property of the late husband of the opposite party no. 2 has been assessed and quantified as Rs. 7,50,000/-, which has been paid to the opposite party no. 2 by way of full and final settlement of her claim. The same is not disputed by learned counsel appearing for the opposite party no. 2.

6. Having regard to the aforesaid, the Court finds that for securing the ends of justice, the present application is fit to be allowed.



7. Accordingly, the entire criminal proceeding arising out of Complaint Case No. 223C of 2011 (S.C. No. 778/2013/685/2014), including the order dated 20.02.2013 by which cognizance has been taken, as far as it relates to the petitioner, stands quashed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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