

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50390 of 2014**

Arising Out of PS. Case No.-32 Year-2013 Thana- ANGARH District- Purnia

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Md. Asghar Ali son of Md. Mamnoon Hasan, resident of village- Tetalya,
P.S.- Angarh, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Zeba Musarrat @ Armin d/o of Md. Akhlaque Adil, resident of village-
Tetalya, P.S.- Angarh, District- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O. P. No. 2	:	Firoz Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 16-05-2019

Heard learned counsel for the petitioner; learned APP for
the State and learned counsel for the opposite party no. 2.

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

*“ That, this quashing application is directed against the
order dated 01.11.2014 in Criminal Misc. No. 96/2014
passed by Sessions Judge, Purnia, by which the learned
Sessions Judge has quite erroneously cancelled the
privilege of regular bail of the petitioner which has been
granted by the learned Chief Judicial Magistrate,
Purnia vide order dated 22.08.2014 in Angarh P.S. Case
No. 32/2013.”*



3. The petitioner, who is the husband of the opposite party no. 2, had filed Complaint Case No. 1991C of 2013/ Angarh P. S. Case No. 32 of 2013, which is the subject matter of the present application.

4. Earlier, in view of the stand taken at the Bar with regard to the possibility of reconciliation, the Court, under order dated 02.04.2019, had referred the matter to mediation. Today, a report from Mr. Abhay Kumar, the learned Mediator dated 23.04.2019 is on record in which it has been stated that the parties have resolved their dispute through the process of mediation on mutually agreed terms. The said agreement between the parties has also been attached with the report of the learned Mediator.

5. From the aforesaid, it transpires that the salient features of the agreement is that the petitioner and the opposite party no. 2 would live together as husband and wife. The matter relating to matrimonial discord and now having been resolved amicably on mutually acceptable terms, the Court finds that criminal proceeding between the parties should now come to an end.

6. Accordingly, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 1991C of 2013/ Angarh P. S. Case No. 32 of 2013, including all orders



which may have been passed relating to the said proceeding by the Courts below, stand quashed, subject to the terms of the agreement between the parties, which is reproduced hereinbelow:

“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No.337 of 2015
[Arising out of Cr. Misc. No. 50390 of 2014]

An agreement made on 22.04.2019 at the Patna High Court Mediation Centre, between

Md. Asghar Ali, Son of Md. Mamnoon Hasan, resident of Village-Tetalya, P.S.- Angarh, District- Purnea

---- Petitioner/(First party)

And

Zeba Musarrat @ Armin, D/o of Md. Akhlaque, resident of Village-Tetalya, P.S.- Angarh, District- Purnea.

---Opposite Party/(Second party).

In view of the order dated 02.04.2019 passed by the Hon'ble High Court, Patna in Cr. Misc. No.50390 of 2014, again mediation proceeding has been started as earlier on 27.07.2015 the mediation was failed due to non appearance of the opposite party No. 2 namely Zeba Musarrat.

The dispute between the parties has been resolved from due process of mediation and co-operation of the parties in following terms and conditions:-

1. The petitioner namely Md. Asghar Ali will keep his wife with full dignity, love and affection and he will maintain his wife properly.
2. The opposite party No.2 namely Zeba Musarrat will live with her husband namely Md. Asghar Ali and she will give full respect to her husband and her in-laws family.



3. The petitioner shall withdraw his cases bearing Complain Case No. 1765 (C) of 2013 which now pending in Chandil Grampanchayat and Cr. Revision No.1035 of 2014 pending in the Hon'ble High Court, Patna arising out of T.S. No. 99 of 2013 from his own cost in which opposite party No. 2 will fully co-operate.
4. The opposite party No. 2 namely Zeba Musarrat shall withdraw her Anger P.S. Case No. 32 of 2013 pending in Court of C.J.M., Purnea and CII-4/2014 pending in Court of Sri Divya Prakash, J.M., 1st Purnea from her own cost and the petitioner shall fully co-operate in the same.
5. Both the parties shall withdraw their respective cases by 30.06.2019 and petitioner shall take Bidai of his wife from his in-laws family on or before 07.07.2019.
6. The parties shall have no grievances from each other.
7. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned counsels, who have also put their signatures on this agreement.

Sd./

(Md. Asghar Ali)
Signature of the petitioner
Date- 22.04.2019

Sd./

(Zeba Musarrat @ Armin)
Signature of the opposite party No. 2
Date- 22.04.2019

Sd./

Signature of the petitioner's Advocate
A.O.R. No.-
Date- 22.04.2019

Sd./

Signature of the Opposite
party No.2 Advocate
A.O.R. No.- 02268
Date- 22.04.2019 "

7. It is further made clear that in the event of violation of any of the terms of the agreement, the parties shall be at liberty to file application before the Court below and if the same is found



correct against the petitioners, the present order shall be deemed to
have been recalled, and the application dismissed.

(Ahsanuddin Amanullah, J)

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