

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50294 of 2014

Arising Out of Complaint Case No.-361C Year-2012 Thana- BEGUSARAI COMPLAINT
CASE District- Begusarai

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1. Raushan Khatoon, Wife of Md. Mojim Miyan.
 2. Md. Mojim Miyan, Son of Late Samin Miyan.
 3. Md. Firoj @ Md. Firoj Miyan, Son of Md. Mojim Miyan.
- All 1 to 3 are Resident of Village- Deonah, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubey Khatoon, Daughter of Mustafa Miyan, Resident of Village- Deonah, P.S.- Barauni, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Sandeep Kumar Gautam, Advocate
For the State	:	Mr. Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

11 03-05-2019 Heard learned counsel for the petitioners; learned APP
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
(hereinafter referred to as the 'Code') for the following relief:

“That, this is an application for quashing the order taking cognizance dated 03.08.2012 passed by the learned court of SDJM, Begusarai against the petitioners who are the parents of the husband and the husband of the complainant in connection with complaint case No. 361 “C”/2012, in which the learned court of SDJM, Begusarai has took cognizance



under sections 498A, 379/34 of the I.P.C., also u/s 4 of the D/P act. The Case is presently pending in the court of learned SDJM, Begusarai.”

3. At the outset, learned counsel for the petitioners submitted that he has filed supplementary affidavit on behalf of the petitioners in which copy of a compromise petition, which has been filed in the present case before the Court below has been brought on record. It was submitted that in view of such settlement, the present case be allowed.

4. Learned counsel for the opposite party no. 2 does not dispute the position.

5. Learned APP also submitted that in view of the compromise between the parties, the Court may grant indulgence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and taking note of the fact that the issue basically relates to matrimonial discord and now there being compromise /settlement between the parties, as reflected from the joint petition filed by the parties before the Court below, the Court finds that for securing the ends of justice, it should exercise its inherent power under Section 482 of the Code.

7. Accordingly, the application is allowed. The entire



criminal proceeding arising out of Complaint Case No. 361(C) of 2012, including the order dated 03.08.2012, by which cognizance has been taken by the Court below at Begusarai, stands quashed.

(Ahsanuddin Amanullah, J.)

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