

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2079 of 2018

Arising Out of PS. Case No.-487 Year-2017 Thana- BAHADURPUR District- Darbhanga

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Suraj Kumar Mahto son of Late Bindeshwar Mahto, resident of Village-
Khajasarai, P.S. Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police Bihar, Patna
2. The Superintendent of Police, Darbhanga.
3. The O/C, Bahadurpur, P.S.- Darbhanga.
4. Rana Amarjeet Singh, S/o Late Priya Narayan Singh, resident of Village-
Sirua, P.S. Baheri, At present Housing Board Colony P.S. Bahadurpur,
District Darbhanga.
5. Jahanvi, wife of Suraj Kumar Mahto, Daughter of Ran Amarjeet Singh, At
present resident of Housing Board Colony, P.S. Bahadurpur, District-
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. H. S. Sundaram, AC to SC-8
For the Respondents no. 4 and 5	:	Mr. D K Sinha, Sr. Advocate
		Mr. Girish Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

7 19-06-2019 Heard learned counsel for the petitioner; learned AC

to SC 8 for the State and Mr. D K Sinha, learned senior counsel

along with Mr. Girish Chandra Jha, learned counsel for the

respondents no. 4 and 5.

2. The petitioner has moved the Court under Articles

226 and 227 of the Constitution of India for the following relief:



“That this Criminal writ application is being filed for a direction/directions, order/orders, writ/writs commanding respondent authorities to get the wife of the petitioner namely Jaharvi @ Soni released from the illegal confinement of her father and further be pleased to hand over herself to the petitioner.”

3. On the earlier occasion, the Court had called the respondents no. 4 and 5 as well as the petitioner and the matter was heard at length. Subsequently, today, affidavits have been filed on behalf of respondents no. 4 and 5 as well as the petitioner and his brother. The same are in identical terms, inasmuch as, it has been stated that there has been compromise between the parties and the terms have been indicated in the affidavits. The Court deems it appropriate to reproduce the same:

“(1) That I am Respondent no. 4 in the above noted case and as such am well acquainted with the facts and circumstances of the case and has also been authorized by respondent no. 5 to enter into the compromise on her behalf and also authorized the deponent to swear an affidavit on her behalf.

(2) That in pursuance of the order dated 01.05.2019 the present affidavit is being filed to settle all the dispute between the parties.

(3) That the Respondent no. 4 and 5 has agreed to withdraw the criminal cases filed by the respondent no. 4 such as

i. Bahadurpur P.S. case no. 181/2013 filed u/s 387 IPC pending before the S.D.J.M. Darbhanga.

ii. Bahadurpur P.S. case No. 487 of



2017 u/s 387 IPC pending here the S.D.J.M. Darbhanga.

iii. Bahadurpur P.S. case No. 388/2018 u/s 385 504 IPC pending before the S.D.J.M. Darbhanga.

(4). That the respondent no. 4 and 5 has also agreed that the parties shall not to interfere in affairs of each other after settlement and the parties shall not interfere in the life of one another in any manner.

(5) That further it has also been agreed by the deponent that the parties shall not claim anything from each other after settlement.”

4. In view of the fact that the present petition has been filed alleging wrongful confinement of the respondent no. 5 by her father i.e., respondent no. 4 and the Court upon hearing the parties on earlier occasion, both through their counsel as well as in person, on a categorical stand taken by the respondent no. 5 before the Court that she was living with her father i.e., respondent no. 4 on her free will and volition, had come to the conclusion that there was no illegal confinement of respondent no. 4 by the respondent no. 5, no order is required to be passed in the present proceeding.

5. Learned counsel for the petitioner and private respondents submitted that they may be given opportunity to file the compromise petition before the Court concerned which may be dealt with in accordance with law and taken to their logical conclusion.



6. In view thereof, the application stands disposed off with liberty to the parties to bring on record the compromise between them before the Court below where the matters may be pending. If such application(s) are filed, the Court below shall pass appropriate orders, in accordance with law, after hearing the parties concerned, expeditiously.

(Ahsanuddin Amanullah, J.)

(Madhuresh Prasad, J.)

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