

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5936 of 2019

Arising Out of PS. Case No.-1384 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sayeed Ahmad @ Sayeed Ahmad Khan Son of Late Abad Ali Resident of Miranpur, P.O-Tala, P.S-Kanghai, District-Pratapgarh, U.P At present 64, Mahindra Park, LBS Marg, Narayan Nagar, Ghatkipar, West Mumbai-400086 (Maharashtra)
 2. Tahirunisha wife of Sayeed Ahmad @ Sayeed Ahmad Khan Resident of Miranpur, P.O-Tala, P.S-Kanghai, District-Pratapgarh, U.P At present 64, Mahindra Park, LBS Marg, Narayan Nagar, Ghatkipar, West Mumbai-400086 (Maharashtra)
 3. Shahbaj Khan Son of Sayeed Ahmad @ Sayeed Ahmad Khan Resident of Miranpur, P.O-Tala, P.S-Kanghai, District-Pratapgarh, U.P At present 64, Mahindra Park, LBS Marg, Narayan Nagar, Ghatkipar, West Mumbai-400086 (Maharashtra)
 4. Sabana @ Sabina Wife of Mohd. Usman Resident of Chandapur, Gaddopur, P.S-Phaphamau, District-Allahabad (U.P)
 5. Parvez Ahmad Khan Son of Syed Ahmad Resident of Village-Miranpur, P.O-Tola, P.S-Kanghai District-Pratapgarh, U.P At present 64, Mahindra Park, LBS Marg Narayan Nagar, Ghatkopar, West Mumbai-400086 (Maharashtra)

... .. Petitioner/s

Versus

1. State of Bihar
2. Dr. Humaira Naz Wife of Parwez Ahmad, Daughter of Abdul Salaam, Resident of 102, Ahmad Hussain Complex, Exhibition Road, P.S-Gandhi Maidan District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Advocate.
For Opposite party no.2	:	Mr. Rana Vikram Singh, Advocate.
		Ms. Rasika, Advocate.
For the State	:	Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

5 29-09-2021 This is an application under Section 482 Cr.P.C. for quashing the summoning order dated 01.05.2018 passed in Complaint Case No. 1384(C) of 2018 whereby the petitioners have been asked to appear and face trial for offences under



Sections 498A, 406 and 323 of the Indian Penal Code.

The aforesaid complaint case was filed by opposite party no.2.

Heard learned counsel for the petitioners as well as learned counsel for the opposite party no.2 and the State.

There is no dispute that during pendency of this application, the parties have entered into a compromise vide compromise petition at Annexure-6 to the 3rd supplementary affidavit and in pursuance of the compromise, the parties have mutually dissolved their marriage.

Learned counsel for the petitioners submits that in the changed circumstances, the continuance of the criminal proceeding would be abuse of the process of the Court. Since the offence under Section 498A IPC is not compoundable, the trial court would be helpless to close the proceeding. However this Court has wide power under Section 482 Cr.P.C. as held in **Gian Singh Vs. State of Punjab** reported in (2012) 10 SCC 303 followed by a Bench of this Court in **M. A. Arshad and Ors. Vs. The State of Bihar and Anr.** reported in 2017 SCC OnLine Pat 2779, to quash criminal proceeding for offence under Section 498A IPC on the ground of compromise to prevent the abuse of process of law.



Finding substance in the joint submission of the parties, impugned order as well as entire criminal proceedings arising out of Complaint Case No. 1384(C) of 2018 hereby stands quashed and this application is accordingly allowed.

(Birendra Kumar, J)

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