

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32907 of 2016

Arising Out of PS. Case No.-134 Year-2016 Thana- KHAJEKALA District- Patna

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1. Babita Kumari and Ors daughter of Jyotish Kumar Bhagat
 2. Archana Kumari daughter of Jyotish Kumar Bhagat
 3. Geeta Bala Bhagat @ Geeta Devi wife of Jyotish Kumar Bhagat
 4. Manoj Kumar Bhagat son of Jyotish Kumar Bhagat
 5. Sanjay Kumar Bhagat son of Jyotish Kumar Bhagat
 6. Alok Kumar Bhagat son of Jyotish Kumar Bhagat
 7. Abhishek Kumar Bhagat son of Jyotish Kumar Bhagat
 8. Mukesh Kumar Bhagat son of Jyotish Kumar Bhagat
 9. Jyotish Kumar Bhagat son of Late Ram Prasad Bhagat All residents of Mohalla - Goshala Ward No. 39 Katihar, P.S. Katihar, District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Superintendent of Police, Katihar.
3. The Senior Superintendent of Police, Patna.
4. The Station House Officer, Katihar Mahila Police Station, Katihar, District - Katihar.
5. The Station House Officer, Khajekalan, Patna City, District - Patna.
6. Priti Kumari wife of Mukesh Kumar Bhagat, and daughter of Raj Kishore Prasad Resident of Mohalla - Chandra Maharaj Ke Garh, P.S. - Khajekalan, Patna City, District - Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34878 of 2016

Arising Out of PS. Case No.-67 Year-2016 Thana- MAHILA PS District- Katihar

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1. Babita Kumari and Ors daughter of Jyotish Kumar Bhagat
 2. Archana Kumari daughter of Jyotish Kumar Bhagat
 3. Geeta Bala Bhagat @ Geeta Devi wife of Jyotish Kumar Bhagat
 4. Manoj Kumar Bhagat son of Jyotish Kumar Bhagat
 5. Sanjay Kumar Bhagat son of Jyotish Kumar Bhagat
 6. Alok Kumar Bhagat son of Jyotish Kumar Bhagat
 7. Abhishek Kumar Bhagat son of Jyotish Kumar Bhagat
 8. Mukesh Kumar Bhagat son of Jyotish Kumar Bhagat



9. Jyotish Kumar Bhagat son of Late Ram Prasad Bhagat All residents of Mohalla- Goshala Ward No.39, Katihar, P.S.- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Superintendent of Police, Katihar.
3. The Senior Superintendent of Police, Patna.
4. The Station House Officer, Katihar Mahila Police Station, Katihar, District- Katihar.
5. The Station House Officer, Khajekalan, Patna City, District- Patna
6. Priti Kumari wife of Mukesh Kumar Bhagat and daughter of Raj Kishore Prasad Resident of Mohalla- Chandra Maharaj Ka Garh, P.S.- Khajekalan, Patna City, District- Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32907 of 2016)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Indu Bhushan, Advocate
Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy, APP

For the Informant : Mr. Rudra Deo, Advocate

(In CRIMINAL MISCELLANEOUS No. 34878 of 2016)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Indu Bhushan, Advocate
Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy, APP

For the Informant : Mr. Rudra Deo, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 10-03-2021 Heard Mr. N.K. Agarwal, learned Senior
Advocate for the petitioners and Mr. Rudra Deo for the
informant.

Cr. Misc. No. 34878 of 2016 and Cr. Misc. No.
32907 of 2016 have been filed for quashing of the
subject FIRs of Khajekalan P.S. Case No. 134 of 2016
dated 17.06.2016 instituted for the offences under
Sections 341, 323, 325, 498(A) and 34 of the Indian



Penal Code and Sections 3/4 of the Dowry Prohibition Act and Katihar Mahila P.S. Case No. 67 of 2016 dated 16.07.2016 instituted for the offences under Sections 498A, 323, 504, 506, 313 and 34 of the IPC and Sections 3/4 of the D.P. Act respectively.

The petitioner no. 8 in both the cases is the husband of Priti Kumari/O.P. No. 6 in Cr. Misc. No. 34878 of 2016 and Cr. Misc. No. 32907 of 2016. Rest all other petitioners are relatives of petitioner no. 8/Mukesh Kumar Bhagat.

Two of the petitioners are unmarried daughters of the house whereas the parents-in-law of the O.P. No. 6 have also been made accused in this case who are the petitioners here. The younger brothers of petitioner no. 8/Mukesh Kumar Bhagat have also joined in the present petition seeking quashing of the subject FIRs.

Learned Senior Advocate for the petitioners has submitted that three cases have been lodged by Priti Kumari with respect to the same charge. First of all, a complaint petition was filed which is still pending inquiry. Shortly thereafter, two FIRs have been lodged with almost identical allegation.

This Court had, on an earlier occasion, directed the records of these cases to be sent to the mediation/reconciliation centre of Patna High Court for



an amicable settlement of disputes. However, the same could not be done because of the Covid-19 Pandemic closure.

A report from the mediation centre has been sent that because of non-resumption of mediation work in the centre, the two cases could not be taken up for mediation.

Since a complaint petition with respect to the same offence is already pending inquiry, this Court is not inclined to quash the subject FIRs.

However, it is being made clear that such an observation has been made not on the merits of the case but only on the ground of pendency of the Complaint Case No. 391 of 2016 before the learned Additional Chief Judicial Magistrate, Patna City/SDJM, Patna City.

In all fitness of things, therefore, this Court deems it appropriate to direct the investigating agency to conclude the investigation positively within a period of three months.

The report of the investigation would provide an important input to the court which would be dealing with the complaint petition in this matter.

Till the time the investigation is completed, no coercive steps shall be taken against the petitioners. The aforesaid reprieve has been granted because the



petitioners have not taken advantage of the order granting bail to them.

Both the petitions are disposed of with the aforesaid observations.

(Ashutosh Kumar, J)

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