

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27741 of 2016

Arising Out of PS. Case No.-45 Year-2014 Thana- MURAR District- Buxar

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1. Nandji Singh and Anr Son of late Lallan Singh
 2. Nitu Singh Wife of Shiv Pratap Singh, Daughter of Nandiji Singh Both Resident of Village- Rewatia, PS Murar, District Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Pratap Singh S/O Balkeshwar Singh, R/O Vill-Tilari, P.O. Meyari, P.S. Nokha, OP-Baighat, District-Rohtas, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad

For the Opposite Party/s : Mr.Sri Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Vide order dated 21.12.2019, notice was issued to the opposite party no. 2 but nobody appears on his behalf.

Learned counsel for the petitioners, by way of supplementary affidavit, submits that notice issued to opposite party no. 2 namely Shiv Pratap Singh which has been received by his father namely Balkeshwar Singh as he is living jointly.

The present application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 24.12.2014 passed by the Judicial Magistrate 1st Class, Buxar in Murar P.S. Case No. 45 of 2014, G.R. No. 2651 of 2014 whereby and whereunder the cognizance



has been taken under Sections 494, 420/34 of the Indian Penal Code.

The complaint case was filed against altogether 14 persons alleging therein that the complainant was married with petitioner no. 2 on 16.05.2015 but she did not want to live with him and she filed complaint case no. 1217 (c) of 2007 thereafter the complainant also filed restitution case No. 143 of 2009 which is pending in the court. It is further stated that the complainant tried to compromise the case but she is not ready for the same. The complainant learnt that petitioner has married with on Rajiv Kumar Singh @ Mantu Singh on 24.12.2014. It is further stated that the accused persons demanding ten lacks rupees from complainant for compromise the case against complainant. They also abused him and assaulted with threatened that they will get compromise by taking compensation from the complainant and they will get order of punishment to complainant. On the basis of the complainant, case was instituted in which cognizance only against three person has been taken on 24.12.2014 under Section 494, 420/34 of the IPC and summon has been issued by the J.M. 1st Class, Buxar.

Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. He submits that petitioner no. 2 was married with complainant on 16.05.2005 as per Hindu custom and she went to her Sasural and just after few days, members of the in-laws asked her to demand a Motorcycle from her father and when she refused, they started torturing and assaulting her. Panchayati took place many times but the accused persons did not mend their ways and finally, they ousted from their house on 23.10.2007 and since then she started living with petitioner no. 1. She filed complaint case No. 1217 (c)/207 for the offence under Sections 498A, 323 of the I.P.C. and $\frac{3}{4}$ D.P. Act. It is submitted that in retaliation, complainant filed Matrimonial Case No. 88 of 2007 at Bhabhua which was transferred from Bhabhua to Buxar by the order of this Hon'ble Court passed in M.J.C No. 693 of 2008 and the complainant did not choose to appear in Case No. 88 of 2007 so the case was dismissed. Thereafter, again father of the complainant filed complaint case no. 1446 of 2008 at Bhabhua leveling again very nasty and dirty allegation against the petitioners which has been stayed and notice was issued by this Court vide order dated 25.07.2014. Complainant also filed complaint case no. 143 of 2009 before the family court Buxar and thereafter, the present case has been filed by him only with



a view to harass and humiliate the petitioners. Learned counsel for the petitioners also submits that petitioner no. 2 considering this fact that she is living separately since more than seven years and now it is not possible to go and live with complainant because she has got every genuine apprehension that she will be killed. Thereafter, she filed a Divorce Case No. 156 of 2014 in the Court of Principal Judge, Family Court, Buxar. Learned counsel further submits that considering the situation that both parties decided to live separately, thereafter compromise took place between the parties and compromise petition was filed on 12.06.2015 in Divorce Case No. 156 of 2014 after signature of their advocates and, accordingly, order was passed by Principal Judge, Buxar on 20.07.2015 and divorce petition was allowed in the light of compromise. As per compromise, both parties decided to withdraw their cases against each other pending in different court in the light of compromise petition dated 12.06.2015. A compromise petition was also filed in complaint case no. 143 of 2009 filed by complainant and in the light of compromise petition, the same was dismissed vide order dated 20.07.2015 but, in the present case, compromise petition has not been filed by the parties because there is stay by this Court.

Considering the fact that all the cases pending



between the parties have already been dismissed on the basis of compromise petition and now as per their submissions no dispute is pending between them, in my considered opinion, no useful purpose would be served in keeping this petition pending.

Having regard to the facts and circumstances of the case and the materials available on record, order dated 24.12.2014 passed by Judicial Magistrate 1st Class Buxar in Murar P.S. Case No. 45 of 2014/G.R. No. 2651 of 2014 is hereby quashed and this application is allowed.

(Anjani Kumar Sharan, J)

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