

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37395 of 2018

Arising Out of PS. Case No.-196 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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1. Gaurav Kumar Son of Late Dr. Ashok Kumar, Resident of Mohalla- Quarter No. 195, D.D.A. Flat, Sector 17, Pocket 'A', Dwarka, New Delhi.
 2. Saurav Kumar, Son of Late Dr. Ashok Kumar, Resident of Mohalla- Quarter No. 195, D.D.A. Flat, Sector 17, Pocket 'A', Dwarka, New Delhi.
 3. Kabita Srivastava @ Kavita Kumari Srivastava, Wife of Late Dr. Ashok Kumar, Resident of Mohalla- Quarter No. 195, D.D.A. Flat, Sector 17, Pocket 'A', Dwarka, New Delhi.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shipra Anand, Daughter of Om Prakash Srivastva, Resident of Mohalla- New Colony, Dak Banglow Road, Bettiah Nagar Parishad Ward No.37, P.S.- Bettiah Town, District- West Champaran presently residing at Plot No.3, Flat No. S-2, Nidhi Galaxy Apartment, Shalimar Garden Extension-I, Ghaziabad.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shekhar Singh, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the O.P.2	:	Mr. Sanjay Kumar, Advocate
		Mr. Baban Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-05-2022 This application has been filed for quashing the order of cognizance dated 12.12.2017 passed by learned Chief Judicial Magistrate, Bettiah in Tr. No. 1212 of 2018, arising out of Bettiah Town P.S. Case No. 196 of 2017, as well as entire prosecution relating to Tr. No. 1212 of 2018, arising out of Bettiah Town P.S. Case No. 196 of 2017 registered for the offence punishable under Sections 406, 498(A) of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act, which is pending before learned S.D.J.M., Bettiah.



By way of filing supplementary affidavit, it is submitted on behalf of petitioners that during pendency of this case, the parties (i.e. petitioner no. 1 and opposite party no. 2) have agreed to dissolve the marriage legally through a decree of divorce by way of mutual consent, as per the terms and conditions mentioned therein. To this effect, photocopy of memorandum of understanding dated 05.03.2019 is annexed as Annexure – 12 to the supplementary affidavit.

Learned counsel for the opposite party no. 2 does not dispute the submission made by learned counsel for the petitioners.

It is further submitted that in terms of the memorandum of understanding, counsel for the petitioners handed over a demand draft, bearing D.D. No. 000767 dated 29.04.2022 of HDFC Bank in favour of Shipra Anand (opposite party no. 2), to the counsel for opposite party no. 2 in Court itself (copy of demand draft is also annexed with supplementary affidavit, as Annexure 13).

In view of settlement arrived between the parties, as referred above, the continuation of the proceeding would amount to abuse of the process of the Court and as such, the order of cognizance dated 12.12.2017 passed by learned Chief



Judicial Magistrate, Bettiah in Tr. No. 1212 of 2018, arising out of Bettiah Town P.S. Case No. 196 of 2017, as well as entire proceeding relating to Tr. No. 1212 of 2018, arising out of Bettiah Town P.S. Case No. 196 of 2017, is hereby quashed.

The petition stands allowed.

(Prabhat Kumar Singh, J)

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