

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15260 of 2021

Arising Out of PS. Case No.-2189 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DIWAKAR PRASAD @ DIWAKAR KUMAR PRASAD S/o Dilip Prasad
Resident of Glass India, H.No.10, B.R. Phukan Road, Kumarpara, Distt-
Kamrup (Metro) Guwahati.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sinki Soni W/o Shri Diwakar Prasad D/o Shri Raj Kumar Prasad at
Present C/o Ramji Prasad Jeweller, Main Road Motihari- 845401, (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pratyush Pratap Singh, Advocate
	:	Mr. Nirbhay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

By order dated 12.05.2022, notices were issued on the
Opposite Party No.2 as it was submitted by the learned counsel
for the petitioner that a supplementary affidavit has been filed
bringing on record the deed of amicable settlement dated
08.12.2021 reached between the petitioner and the Opposite
Party No.2 whereby they have agreed for a divorce by mutual
consent based on a one time settlement of Rs. 31 lacs by way of
a permanent alimony and maintenance to be given by the
petitioner to the Opposite Party No.2.



Today, the learned counsel for the petitioner has filed a second supplementary affidavit bringing on record the fact that the Opposite Party No.2 is living in jointness with her father at Motihari.

Perused the report submitted by the Office wherein it has been recorded that ordinary notice has been received by the father of Opposite Party No.2 and undelivered register cover or A/D has not yet been received as per computer verification. Since an application of jointness has been filed by the learned counsel for the petitioner as aforesaid, as such the service of notice is deemed valid and the fact that deed of amicable settlement between the petitioner and the Opposite Party No.2 forms part of the supplementary affidavit filed on 12.05.2022 wherein the aforesaid decision by mutual consent between parties has been taken as such it appears that the Opposite Party No.2 is not interested in pursuing the present complaint as in the deed of amicable settlement also it is clearly recorded that the Opposite Party No.2 will not pursue the present complaint case.

In view of the submissions made by the learned counsel for the petitioner and after perusing the deed of amicable settlement and the fact that father of the Opposite Party No.2 has received notice with whom the Opposite Party



No.2 is staying and has chosen not to contest the present proceeding, the order dated 04.05.2019 by which cognizance was taken in Complaint Case No. 2189 of 2018 giving rise to Tr. No. 2363 of 2019 is hereby quashed.

(Satyavrat Verma, J)

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