

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56840 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Md. Asif Reza @ Pintu @ Asif Reza Son of Haji Md. Kalam, Resident of Village - Kharaiya Basti, Ward No. 11, P.O. and P.S. - Araria, District - Araria.
2. Mehjabin Khatoon @ Mehjabin Begum Wife of Md. Kalam, Resident of Village - Kharaiya Basti, Ward No. 11, P.O. and P.S. - Araria, District - Araria.
3. Haji Md. Kalam @ Abdul Kalam Son of Late Abdul Jalil, Resident of Village - Kharaiya Basti, Ward No. 11, P.O. and P.S. - Araria, District - Araria.
4. Md. Adil Reza Son of Haji Abdul Kalam @ Adil Reza, Resident of Village - Kharaiya Basti, Ward No. 11, P.O. and P.S. - Araria, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farheen Fatma Wife of Md. Asif Reza @ Pintu D/o Naushad Akhtar, Resident of Village - Azad Nagar Ward No. 19, P.O. and P.S. - Araria, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anamul Haque, Adv.
For the State	:	Mr. Shailendra Kumar, APP.
For the Informant	:	Mr. Anil Prasad Singh, Adv.
	:	Mr. Abhijeet Gautam, Adv.
	:	Mr. Rajesh Kumar Chaubey, Adv.
	:	Mr. Vijay Kishore Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-11-2022

Heard learned counsel for the petitioners, learned

A.P.P. for the State as well as learned counsel for the informant.

Learned counsel for the petitioners submits that
vide order dated 05.12.2019 the present quashing application
has been withdrawn for petitioner no.1 and this Court has

directed to dismiss as withdrawn qua the petitioner no.1 and, thereafter, notices were issued upon Opposite Party No.2 under both process and Opposite Party No.2 appeared in this case.

In the above stated circumstances the present quashing application is maintainable only for three petitioners i.e. petitioner nos.2, 3 & 4 and the order passed herein under is applicable only for petitioner nos.2, 3 & 4.

The present application has been filed for quashing of the order taking cognizance and issuance of summon dated 12.06.2018 passed in Complaint Case No. 236 of 2018 by learned S.D.J.M., Araria who has taken cognizance under Section 498(A) of the Indian Penal Code read with Section 3/4 of Dowry Prohibition Act.

Learned counsel for the petitioners and learned counsel for the Opposite Party No.2 jointly submit that due to intervention of well wishers good sense prevail between the parties and parties have reached on amicable settlement that by way of one time settlement before “*Darul Kaza Imarat Sariya Bihar, Orissa and Jharkhand at Araria*” it has been decided that the husband Md. Arif Reza shall pay Rs.5,15,000/- to Opposite Party No.2 and it has also been decided that both the parties have separated their life through ‘*Khula*’ (divorce). In this

regard a supplementary affidavit has been filed by the learned counsel for the petitioners, on which content of settlement is there, which has been accepted by Opposite Party No.2.

Since a memo of compromise by way of supplementary affidavit dated 30.11.2021 was entered into between the husband and Opposite Party No.2.

In accordance with the said compromise the petitioners are praying for quashing of the cognizance order under Section 482 of Cr.P.C., in this regard learned counsel for the petitioners placed the law declared by Hon'ble Supreme Court in the case of ***Gian Singh vs. State of Punjab reported in (2012) 10 SCC 303*** and subsequently followed in the case of ***Jasmair Singh and Anr. vs. State of Haryana and Anr. reported in (2022) 9 SCC 73*** in which, it has been decided that “the case was eminently suitable to be considered for exercise of jurisdiction under Section 482 of the Code.”

In the light of above mentioned facts and circumstances and the law laid down, the cognizance and issuance of summon order dated 12.06.2018 passed in Complaint Case No. 236 of 2018 by learned S.D.J.M., Araria as well as the entire proceeding with regard to Complaint Case No. 236 of 2018 pending before the Court of learned S.D.J.M.,

Araria are hereby quashed.

With these observations, the present quashing application is disposed off.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	