

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45978 of 2016**

Arising Out of PS. Case No.-2 Year-2014 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Ajay Singh and Ors Son of Sardar Singh
  2. Somaro Devi wife of Sardar Singh
  3. Sardar Singh son of Late Khedan Singh
  4. Sanju Singh daughter of Sardar Singh, wife of Sudhir Kumar All are resident of Muhalla- 115/255 48, Adarsh Nagar, Maswanpur, P.S.- Kalyanpur, District- Kanpur, State- Uttar Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sudhir Kumar son of Ajay Kumar Singh resident of Village- Naya Tola, P.S.- Danapur, District- Patna.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Maya Shankar Mishra, Advocate |
| For the Opposite Party/s | : | Mr. Ram Priya Sharan Singh, APP   |
| For the OP No. 2         | : | Mr. Ram Babu, Advocate            |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

20    09-02-2022                      Heard Mr. Maya Shankar Mishra, learned Advocate for the petitioners and Mr. Ram Babu for the opposite party no. 2. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

The petitioners seek quashing or the order dated 19.02.2014 passed by the learned Judicial Magistrate, Danapur in Complaint Case No. 2(C)/2014, whereby cognizance has been taken under Sections 323, 504 and 379 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that from the complaint petition itself, it would



appear that the complainant/opposite party no. 2 is the husband of petitioner no. 4, whereas petitioners no. 2 and 3 are the parents of petitioner no. 4 and petitioner no. 1 is the brother of petitioner no. 4.

It has been urged on behalf of the petitioners that there is a pending matrimonial dispute between petitioner no. 4 and opposite party no. 2 and the present/subject complaint is only a fall-out of the aforesaid dispute.

It has also been brought to the notice of this Court that petitioner no. 4 had earlier filed a case in Kanpur vide Mahila Police Station Kanpur Town Case No. 169 of 2013 and another complaint before the Kanpur courts.

In the Kanpur Town Case No. 169 of 2013 which has been lodged by petitioner no. 4 before the competent court in Kanpur, the opposite party no. 2 has obtained an order of stay from the Allahabad High Court.

It further appears from the petition that an attempt was made by the well-wishers for mediation between the parties and the parties have agreed to settle their differences with an agreement of the opposite party no. 2 making payment of Rs. 4.75 lakhs to the petitioners towards the entire matrimonial obligations and a mutual promise of both the parties to withdraw the respective cases which they have filed against each other.



Two of such cases are still left to be withdrawn, both of which are in the State of Uttar Pradesh.

There does not appear to be any hitch as both sides are agreeable that the litigation between them should end.

For some explicable reason, the two cases at Kanpur lodged by petitioner no. 4 has not yet been withdrawn.

Mr. Maya Shankar Mishra, learned Advocate for the petitioners submits that he shall ensure that both the cases are withdrawn.

The opposite party no. 2 has already paid Rs. 4.75 lakhs to the petitioners as was agreed between the parties.

Considering the afore-noted facts and taking into account that the accusation in this case is only a fall-out of the matrimonial dispute between petitioner no. 4 and opposite party no. 2, the order taking cognizance in Complaint Case No. 2(C)/2014 on 19.02.2014 is quashed.

All sequel orders arising out of the Complaint Case No. 2(C)/2014 is also set aside.

**(Ashutosh Kumar, J)**

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