

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16288 of 2015

Arising Out of PS. Case No.-2131 Year-2012 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Pankaj Kumar S/o Sri Batau Paswan, resident of village- Virpur, P.S.- Virpur,
Distt- Begusarai

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rinku Devi W/o Sri Pankaj Kumar, D/O Sri Upendra Paswan, resident of village- Virpur, P.S.- Virpur, Distt- Begusarai, at present residing at Village- Pakthaul, P.S.- Teghara, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rana Vikram Singh, Advocate Ms. Shikha Roy, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP Mr. Shubhesg Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

8 28-03-2023 Heard learned counsel for the petitioner, State as also the informant.

This application has been filed for quashing the order dated 16.07.2013 passed by the learned Sub Divisional Judicial Magistrate, Begusarai in Complaint Case No. 2131 of 2012 by which the learned Court below took cognizance under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and issued processes against the petitioner.

As per the allegation, the marriage of the complainant was solemnized on 16.05.2008 but she was always tortured for dowry and for want of a Car.



On 15.05.2010, the complainant gave birth to a female child which also enraged the in-laws and they started pressurizing for divorce. However, in 2012, she was blessed with a son but the behaviour did not change. Left with no remedy, a complaint was filed vide Complaint Case No. 2131 of 2012 before the learned Chief Judicial Magistrate, Begusarai. The same was transferred to the Court of learned Sub Divisional Judicial Magistrate, Begusarai in which cognizance was taken on 16.07.2015 under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that in 2012 itself, matrimonial case (Divorce Case No. 508/2012) was filed before the learned Principal Judge, Family Court, Patna on 07.07.2012 and the complainant had also appeared and filed a written statement (W.S.) on 04.01.2023.

He submits that the present case was counter blast to the said divorce suit. He however, submits that subsequently good sense prevailed upon the parties and with the help of the well wishers, they came to a compromise and accordingly, preferred a joint petition before the learned Sub Divisional Judicial Magistrate, Begusarai in which at paragraph-4, it was



recorded that the petitioner will be paying Rs. 12,000/- for the lady as well as her children and in paragraph- 5, it was further averred that both the parties in view of the compromise do not want to pursue the matter further.

The said compromise petition has been attached as Annexure-9 to the supplementary affidavit filed by the petitioner on 17.02.2017.

It is to be noted that the Court of learned Principal Judge, Family Court, Begusari vide an order dated 29.06.2015, dissolved the marriage between the parties and a decree of divorce was also issued accordingly.

The same is part of the supplementary affidavit as Annexure-6.

The complainant has not preferred any appeal against the decree of Divorce as informed by her counsel appearing in the present case.

In this case, notices were issued upon the Opposite Party No. 2 on 04.07.2019 by a Bench of this Court. Subsequently, the Opposite Party No. 2 appeared through her lawyer and from the order dated 23.08.2019 and 27.09.2019, it can be seen that the Hon'ble Judge tried to mediate the matter in his chamber where the couple appeared. It seems that no further



development took place thereafter.

Although on 09.02.2023, the learned counsel for the complainant had doubted the compromise petition signed between the parties, today on call, it has been informed by him that he contacted the complainant who in turn informed that she do not want to pursue the matter further and also refused to file any reply.

Learned counsel for the petitioner upon query has informed that now the amount of Rs. 12,000/- has been enhanced to Rs. 17,600/- which is being paid by him without fail and no due has accrued.

Although the said statement has not been brought on record, this Court believes the word put forward by the learned counsel for the petitioner and is incorporating the same in the order.

Having gone through the facts of the case as also the order of divorce, (Annexure-6) as narrated above, and the compromise petition (Annexure-9), in the opinion of this Court, the continuance of the present case would be nothing but an abuse of the process of the Court. The lady has already compromised the matter, a divorce order is on record, no appeal preferred and further she chose not to contest the present



petition, the petitioner deserves relief.

In the aforementioned background, the further proceeding of Complaint Case No. 2131 of 2012 passed by the learned Sub Divisional Judicial Magistrate, Begusarai relating to the petitioner stands quashed.

The petition preferred under Section 482 of the Code of Criminal Procedure stands allowed.

(Rajiv Roy, J)

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