

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15563 of 2016

Arising Out of PS. Case No.-94 Year-2015 Thana- BAKHTIYARPUR District- Patna

1. Pappu Prasad @ Sanjiv Kumar Son of Late Gajendra Prasad
2. Babita Devi @ Babita Sing Wife of Pappu Prasad @ Sanjiv Kumar Both are resident of Village - Haquikatpur, P.S. - Bakhtiyarpur, District - Patna. At present Resident of Navrashtra Lane, Rajendra Path, Phulwari, P.S. - Phulwari, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jyoti Devi Wife of Rajeev Kumar, D/o- Arjun Prasad At present Resident of Village - Kastat Town, Deoghar, P.S. - Deoghar, District - Deoghar Jharkhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners very fairly submits that the present application has been filed seeking quashing of the order taking cognizance but thereafter the stage of the case has changed and charges have been framed.

3. The learned counsel for the petitioners next submits that the dispute is matrimonial under Section 498(A) of the Indian Penal Code. It is further submitted that petitioners are brother-in-law and sister-in-law and the matter has been compromised between the informant and her husband, the



husband has already paid an amount of Rs. 21,50,000/- and is also paying Rs. 15,000/- per month by way of maintenance. Thus it is submitted that since the parties have compromised, as such, no useful purpose would be served by keeping the case pending.

4. Shri Chandra Bhushan Prasad, the learned A.P.P. for the State submits that no doubt what has been submitted by the learned counsel for the petitioners has substance but then the stage of the case has changed, these facts can be brought to the notice of the learned trial court when the trial commences as it is a settled principle of law that if matrimonial dispute between husband and wife stands settled then the same should come to an end and even the courts should make efforts that if their compromise is genuine then unnecessarily the family members of the husband are not harassed.

5. Considering the submissions made by the learned counsel for the parties, the quashing application is disposed of with an observation that in the event what has been submitted by the learned counsel for the petitioners is true, then the learned trial court at the time of trial will look into these issues and accordingly will apply its independent judicial mind.

(Satyavrat Verma, J)

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