

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7309 of 2017

Arising Out of PS. Case No.-77 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Anjani Kumar son of Damodar Prasad, resident of Mohalla- New Police Line,
Kashyap Nagar, Police Station- Nawada, Ara, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Priya Sinha @ Soni @ Sonu, wife of Anjani Kumar, D/o Surendra Prasad Sinha, resident of C/o Shyama Devi, Street No.8, Road No.14B, Samrat Colony, Ashok Nagar, Kankarbagh, Police Station- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Makardhwaj Upadhyay, Adv
For the Opposite Party/s :	Mr. Madhuranand Jha, APP
	Dr. Alok Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 08-11-2023 1. Heard learned counsel for the petitioner, learned APP along with learned counsel for the OP No. 2.
2. Petitioner and OP No. 2 are present along with their respective learned counsels.
3. Learned counsel for OP No. 2, at the outset, draws attention of the court towards the order dated 19-9-2023 to submit that stay was obtained by the petitioner by misleading the court that the parties have compromised.
4. It is next submitted by learned counsel for OP No. 2 that thereafter the case was taken up on 30-10-2023, when a submission on behalf of the OP No. 2 was made that no



compromise has been entered in between the petitioner and the OP No. 2. Further, it was submitted that petitioner had filed Matrimonial Case No. 279 of 2013 in the court of learned Principal Judge, Family Court, Bhojpur seeking divorce from the OP No. 2. In the said case, the learned Family Court directed the petitioner to pay a monthly maintenance of Rs. 8,000/- per month from the date of filing of the application along with Rs. 20,000/- by way of litigation cost. It was next submitted that petitioner did not pay a single penny to the OP No. 2, in terms of the order of the learned Family Court, and, at the same time, managed to obtain stay from the Court by making a false submission that the petitioner and the OP No. 2 have compromised. It is submitted that on hearing the learned counsel for the OP No. 2, the Court had directed the petitioner and the OP No. 2 to remain physically present before this court on 3-11-2023.

5. It is next submitted by learned counsel for OP No. 2 that when the matter was taken up on 3-11-2023, the OP No. 2, who was present in the Court, vehemently asserted and submitted that no compromise was reached in between her and the petitioner, but also fairly submitted that the learned counsel for the petitioner was misled by the petitioner in making that



submission.

6. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the present case. The allegation of demand of dowry and torture is ornamental.

7. The learned counsel for the OP No. 2 rebuts the submission and submits that it is the duty of the husband to ensure the well-being of his wife. It is next submitted that the conduct of the petitioner is reprehensible and his application be rejected solely on the ground that he tried to mislead the court.

8. Considering the submission made by the learned counsel for the OP No. 2, and also the fact that the petitioner tried to obtain stay by misleading the Court, the Court is not inclined to entertain the quashing application.

9. Accordingly, the present quashing application stands rejected.

10. The personal appearance of the petitioner and the OP No. 2 is dispensed with.

(Satyavrat Verma, J)

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