

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44245 of 2015

Arising Out of PS. Case No.-3350 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Dr. Abhay Kumar son of Late Braj Kishore Prasad, resident of F-59, P.C.
Colony, Malahi Pakari, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Smt. Prachi, wife of Dr. Abhay Kumar, D/o Late Suman Kumar Verma, C/o-
Sri A.K. Verma, resident of Flat No. 206, Maa Bhagwati Complex, Boring
Road Chauraha, P.S. S.K. Puri, District- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Sunita Kumari, Advocate
For the Opposite Party No.1	:	Mr. Chandra Sen Prasad Singh, APP
For the Opposite Party No. 2	:	Mr. Vijay Anand, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 30-10-2023 The present petition has been filed by the Petitioner

for setting aside the order dated 01.07.2014, passed by Ld.

Judicial Magistrate, Ist Class, Patna, whereby cognizance of the

offence punishable under Section 498A of the Indian Penal

Code has been taken against the Petitioner and at this stage, he

is seeking permission to withdraw the present Petition.

2. However, Ld. Counsel for the Respondent No.2

submits that the Petitioner cannot withdraw the present petition

in the light of the last order dated 24.08.2023 passed by this

Court, whereby Ld. Principal Judge, Family Court, Patna has

been directed to dispose of the Maintenance Case No. 264(M)



of 2015, pending between the parties, within two months in the light of the Judgment of the Hon'ble Supreme Court in the case of **Rajensh Vs. Neha**, as reported in **2021 2 SCC 324** and if the parties do not cooperate in the disposal of the case, the family Court shall proceed *ex parte* against the non-cooperating party.

3. Perused the record and considered the submission advanced by both the parties.

4. The petitioner is master of his litigation and he is always at liberty to withdraw it unless law bars it. The lis before this Court in this proceeding is setting aside the impugned cognizance order dated 01.07.2014, passed by Ld. Judicial Magistrate, Ist Class, Patna and, the last order dated 24.08.2023 was passed by this Court, when the Petitioner was pursuing the case for practical purpose to end the litigation between the parties. But at this stage, the Petitioner is seeking permission to withdraw the present petition. As such, he has every right to withdraw it and in case the Respondent No.2 has any grievance with the Maintenance Case going on between the parties, and he wants some relief in this regard, he is always at liberty to file appropriate petition before competent court. As such, there is no legal bar to withdrawal of the petition by the Petitioner.

6. Hence, Permission to withdraw the petition is



accorded to the Petitioner and the petition is accordingly,
dismissed as withdrawn.

(Jitendra Kumar, J)

chandan/-

U		T	
---	--	---	--

