

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32189 of 2017

Arising Out of PS. Case No.-160 Year-2016 Thana- PHULWARIYA District- Gopalganj

Surendra Sah @ Surendra Kumar Sah Son of Late Jagan Sah, Resident of Village-Sonhula, Chandrabhan, P.O. Dhebwa, P.S. Gopalpur, District-Gopalganj,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rina Devi Wife of Surendra Sah, D/o Gopal Sah, Resident of Village-Thakurichak, P.O. Mishra Batarha, P.S. Phulwaria Sripur O.P., District-Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhramveer- Advocate
For the State	:	Mr. Aditya Narayan Singh 1- A.P.P.
For the Opposite Party/s	:	Mr. Chandra Kant- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-10-2023 1. Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 02.05.2017 passed by the learned A.C.J.M.- XIII, Gopalganj in Phulwaria P. S. Case No.160 of 2016, whereby cognizance of offences under Sections 498(A), 406, 506 and 509 of the I.P.C. read with Section 3/4 of the D. P. Act has been taken.

3. The learned counsel for the petitioner submits that



the dispute was purely matrimonial and the opposite party no.2 has performed her second marriage and is residing at Gopalganj.

4. The learned counsel Sri Chandra Kant appearing on behalf of the opposite party no.2 submits that he has instructions to make submission that opposite party no.2 does not have any objection in the event, if the order dated 02.05.2017 passed by the learned A.C.J.M.-XIII, Gopalganj in Phulwaria P. S. Case No.160 of 2016, whereby cognizance of offences under Sections 498(A), 406, 506 and 509 of the I.P.C. read with Section 3/4 of the D. P. Act is taken, is quashed.

5. Since the dispute is matrimonial and the opposite party no.2 is not objecting rather a submission has been made on behalf of the learned counsel based on instruction that opposite party no.2 does not oppose the quashing application, as such, order dated 02.05.2017 passed by the learned A.C.J.M.-XIII, Gopalganj in Phulwaria P. S. Case No.160 of 2016, whereby cognizance of offences under Sections 498(A), 406, 506 and 509 of the I.P.C. read with Section 3/4 of the D. P. Act is hereby quashed.

(Satyavrat Verma, J)

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