

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11260 of 2018

Arising Out of PS. Case No.-241 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Intasab Ali Khan @ Md. Intasab Ali Khan And Ors Son Of Mustajab Ali Khan,
 2. Mustajab Ali Khan Alias Md. Mustajab Ali Khan, Son Of Late Sarfaraz Hussain Khan.
 3. Salma Khatoon Alias Salma Khan, Wife Of Mustaiab Ali Khan,
 4. Intakhab Ali Khan Alias Md. Intakhab Ali Khan, Son Of Mustajab Ali Khan, Nos. 1 To 4 All Are Residents Of Mohalla Professor Colon, Baitun Noor, Road No. 18, Near J.K.S. College, Mango, Post Office Mango Azad Nagar, Police Station, Mango Azad Nagar, Town Jamshedpur, District- East Singhbhum, Jharkhand.
 5. Zeba Khatoon Alias Rukh-E-Zeba Khan, Daughter Of Mustajab Ali Khan, Wife Of Mesbahuddin Khan, Resident Of Flat No. A/307, Shalimar Mango Azad Nagar, Town Jamshedpur, District East Singhbhum, Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Soraiya Nasim, daughter of Fakhruddin Haider Khan, resident of Mohalla White House Compound, Road No. 5, Post office....., Police Station Rampur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate
	:	Mrs. Manini Jaishwal, Advocate
	:	Ms. Ankita Kumari, Advocate
For the Opposite Party/s :		Mr. Akhileshwar Dayal
		Mr. Hussain Raza Kazmi

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 4 27-07-2023 1. This application has been filed for quashing of the cognizance order dated 03.08.2017 passed by the learned S.D.J.M., Gaya in Complaint Case No. 241 of 2018/4014 of 2016 whereby cognizance has been taken under Section 498(A) of the I.P.C. and Section 4 of the Dowry Prohibition Act.



2. Heard the learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no. 2 Mr. *Hussain Raza Kazmi*.

3. The Petitioner no. 1 namely Intasab Ali Khan and O.P. No. 2 namely Soraiya Nasim are personally present also.

4. Petitioner no. 1 and O.P. No. 2 have agreed to terminate all the disputes between them. The petitioner has agreed to transfer Rs. 21 Lakhs (towards settlement of all the claims including maintenance of O.P. No. 2 and her son) in the bank account of opposite party no.2.

5. The amount of Rs. 21 Lakhs will be paid in installments and the final installment shall be made before the end of six months.

6. Initially the petitioner will transfer Rs. 3 Lakh in the account of opposite party no. 2 for which the details are:-

Account Holder Name:- Soraiya Nasim

Account No:- 2003101035522

Bank Name:- Canara Bank, Gaya 823001

7. After the first installment, the petitioner shall regularly transfer the balance amount in installments in the account of O.P. No. 2.



8. As per the annexure-III, the petitioner has given divorce to the O.P. No. 2. The O.P. No. 2 will not dispute the divorce after the entire money is transferred in her account.

9. During pendency of this case, further proceedings of the Court below in connection with Complaint Case No. 241 of 2017/4014 of 2016 shall remain stayed.

10. After the entire amount is transferred, the O.P. No. 2 will approach the lower Court for withdrawal of the criminal case and the criminal proceeding will be dropped by the lower Court after six months when the O.P. No. 2 files an application for withdrawal.

11. The Lower Court will not insist for the appearance of the accused while dropping the criminal case.

12. In case the O.P. No. 2 accepts the money and does not file any application for withdrawal of the complaint case, contempt proceeding shall be initiated against the O.P. No. 2.

13. The further proceedings in the maintenance case shall also remain pending for the next six months and the maintenance case shall also be withdrawn by the O.P. No. 2 after the amount is transferred in the account of O.P. No. 2.

14. It is expected that both the parties will



thereafter not litigate on account of this marriage. The custody of the son will remain with the O.P. No. 2.

15. The petitioner and his family members will have visiting rights of the son at least twice a month with advance notice to the O.P. No. 2 and the O.P. No. 2 will not create any disturbance in the visiting rights of the petitioner no. 1 and his father, mother or any close relative.

16. While visiting the son, the petitioner and his family members will have liberty to take the son out of residence for few hours but not out of the town of Gaya.

17. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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