

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14618 of 2015**

Arising Out of PS. Case No.-27041 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

Swati Agrawal W/o Vivek Agrawal, D/o Sri Raj Kumar Bhalotia Resident of
Bhalotia Complex ,39/1/N, N.S.B. Raniganj, P.s- Raniganj, District-
Burdwan West Bengal

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Smt. Bimla Devi Agrawal W/o Sri Ashok kumar Agrawal, Resident of WT-302, Twin, Tower, South Gandhi Maidan, P.s- Gandhi Maidan, District-patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16093 of 2015

Arising Out of PS. Case No.-27040 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

Swati Agrawal W/o Vivek Agrawal, D/o Sri Raj Kumar Bhalotia, Resident of
Bhalotia Complex, 39/1/N, N.S.B. Road, Raniganj, P.S.- Raniganj, District-
Burdwan West Bengal

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Mr. Vivek Agrawal S/o Sri Ashok Kumar Agrawal, Resident of WT-302, Twin Tower, South Gandhi Maidan, P.S. -Gandhi Maidan, District-Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14618 of 2015)

For the Petitioner/s : Mr.Prabhakar Nath Rai

For the Opposite Party/s : Mr.Dasrath Mehta App

(In CRIMINAL MISCELLANEOUS No. 16093 of 2015)

For the Petitioner/s : Mr.Prabhakar Nath Rai

For the Opposite Party/s : Mr.Sucheta Yadavapp

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

16 05-07-2023

Heard learned counsel for the petitioner and learned



counsel for the O.P. No. 02.

This application has been filed for quashing the order dated 14.07.2014 passed by Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 27041 C of 2014.

Both the parties i.e. the petitioner (wife) and the O.P. No. 02 (husband) are also present personally in the Court today.

Learned counsel for the petitioner has submitted that the petitioner has filed an application for divorce vide Matrimonial Suit No. 487 of 2014 which has been decreed ex parte by the Additional District Judge, III, Asansol, Paschim Vardhman, West Bengal on 11.09.2019 and the marriage between the parties has been dissolved.

The husband has also no grievance to the ex parte decree obtained by the wife.

It has further been submitted by the parties that they want to end the litigations which are pending between them as they have settled their disputes amongst themselves.

They have further submitted that they are ready for quashing/withdrawal of all the cases filed by either of the parties. They also submit that there is a daughter also who was born out of the wedlock and she is now of 14 years old and is residing with the wife at Raniganj, West Bengal.



The wife also gives consent that the husband may visit Raniganj to meet the daughter by giving prior information to the wife. If the daughter goes outside Raniganj for further studies then the husband will have liberty to meet his daughter by giving prior information to the wife. The husband is also at liberty to make phone calls sometime to his daughter.

The following cases have been filed by the husband and his family members against the wife:-

1. Complaint Case No. 266 C of 2015, before the Judicial Magistrate, First Class-23, Patna has been disposed off as uncontested vide order dated 23.12.2019.
2. Complaint Case No. 30349C of 2014 pending before the ACJM-13, Patna.
3. Complaint Case No. 2411C of 2015 pending before the Judicial Magistrate, First Class-20, Patna.
4. Complaint Case No. 2809C of 2015 pending before the ACJM-15, Patna.
5. Complaint Case No. 27040C of 2014 pending before the ACJM-8, Patna.
6. Complaint Case No. 27041C of 2014 pending before the Judicial Magistrate, 1st Class-21, Patna.

Considering the settlement of disputes between the



parties, the order dated 14.07.2014 passed by Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 27041 C of 2014 and **all six cases as mentioned above** are hereby quashed.

The following cases have been filed by the wife on her husband and his family members including an application for maintenance:-

1. G.R. No. 4067 of 2013 arising out of Raniganj P.S. Case No. 325 of 2013.

2. G.R. No. 30 of 2014 arising out of Raniganj P.S. Case No. 10 of 2014.

3. G.R. No. 505 of 2014 arising out of Raniganj P.S. Case No. 76 of 2014.

4. Misc. Case No. 135 of 2014 pending before the ACJM, Asansol.

The wife gives an undertaking before this Court that she will file withdrawal applications in all the four cases pending in the various Courts in Raniganj and if such an application is filed then it is expected that the Presiding Officers of the Courts where the cases are pending will drop the proceedings against the husband and his family members without insisting for personal appearance of the husband or his



family members. The wife is also expected to co-operate in disposal of all the four cases filed by her.

Both the parties also undertake to withdraw any other case which has not been mentioned in the list supplied by them to this Court.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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