

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28288 of 2016**

Arising Out of PS. Case No.-102 Year-2015 Thana- GAYA KOTWALI District- Gaya

1.Arun Kumar Sinha, son of late Ram Kishore Prasad Sinha.  
2. Madhuri Sinha, wife of Arun Kumar Sinha  
Both resident of Mohalla-Anand Vihar Colony, Mustafabad, P.S.-Rampur,  
District-Gaya.

... .. Petitioner/s

Versus

1.State Of Bihar  
2. Shalini Kumari, wife of Avichal Sinha, D/o.- Prem Kumar Singh, resident  
of Anandpur Kothi, Roy Sheetal Prasad Road, Murarpur, P.S.- Kotwali,  
District- Gaya.

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                  |
|----------------------------|---|--------------------------------------------------|
| For the Petitioner/s       | : | Mr.Prasoon Sinha, Adv.<br>Mr.Prabhat Kumar, Adv. |
| For the Opposite Party/s : |   | Mrs.Pushpa Sinha 2, APP                          |
| For the O.P. No. 2         | : | Mr. Shivendra Prasad, Adv.                       |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      20-02-2023                      Heard learned counsel for the petitioners and the State  
as also the informant.

This is an application for quashing of the order dated  
28.3.2016 passed by the learned Chief Judicial Magistrate, Gaya  
in connection with Gaya Kotwali P.S. Case No. 102 of 2015  
whereby and whereunder cognizance was taken for the offences  
punishable under Sections 498(A) of the Indian Penal Code and  
Section 3/4 of the Dowry Prohibition Act.

A supplementary affidavit has been filed which is kept  
on record.

It has been jointly submitted by both the parties that



with the well-wishers of both the sides taking the two sides to the negotiating table, they arrived at a compromise and the terms of compromise which founds incorporated in an order in Civil Misc. Jurisdiction No. 1039 of 2018 dated 14.11.2022 is/are as follows :

*“The terms of compromise, which have been arrived at between the parties before this Court are as follows:*

*(i) A sum of Rs. 30,00,000/- (thirty lakhs) shall be paid by the petitioner to the respondent-wife by bank draft drawn in her favour by way of final settlement;*

*(ii) Further the petitioner has agreed that the ornaments/jewellery kept in the bank locker maintained in Central Bank of India, Gaya College Branch, Gaya, shall be handed over to the respondent-wife. The bank locker, in question, shall be opened in presence of the respondent-wife, her father and father of the petitioner.*

*(iii) It has also been agreed that the furniture and any other goods, which were given as*



*gift by the family of respondent-wife shall be returned by the petitioner to the respondent after making an inventory, duly signed by both the parties;”*

Learned counsel for the petitioners submit that taking into account the aforesaid facts, the Cr. Misc. No. 30659 of 2016 preferred by the husband Avichal @ Avichal Sinha was allowed by a coordinate bench of this Court on 9.2.2023 which read as follows :

*“Heard learned counsel for the petitioner and learned APP for the State.*

*Learned counsel for the petitioner filed a supplementary affidavit in the Court today itself.*

*Let it be kept on the record.*

*The present application is filed for quashing of the order dated 28.03.2016 passed by learned C.J.M., Gaya in connection with Gaya Kotwali P.S. Case No. 102/2015 registered u/s. 498(A) of the Indian Penal Code and 3/4 of the D.P. Act whereby and whereunder the cognizance was taken*



*against the petitioner under Section 498(A) of the I.P.C. and of the D.P. Act. Learned counsel for the petitioner submits that the issue between the parties has been resolved and in pursuance of the order of this Court, petitioner has returned the agreed amount of Rs. 30,41,000/- to the opposite party no.2, and a joint petition for divorce under Section 13(B) of the Hindu Marriage Act, has been filed before the learned Court below which is still pending. The said fact has also been accepted by the learned counsel for the informant and he is not having any objection if the impugned order is quashed.*

*Considering the facts and circumstances of the case, I am inclined to quash the order dated 28.03.2016 in connection with Gaya Kotwali P.S. Case No.102/2015 passed by learned C.J.M., Gaya.*

*Accordingly, this application is allowed and hereby disposed of.”*



Taking into account the aforesaid development that has come during the pendency of the present petition as also that the petitioners herein namely, Arun Kumar Sinha are the father-in-law of the informant, Shalini Kumari while Madhuri Sinha is the mother-in-law, this Court is inclined to extend them similar relief as has been extended to their son, Avichal @ Avichal Sinha.

In the aforesaid circumstances, the order dated 28.3.2016 passed by the learned Chief Judicial Magistrate, Gaya in connection with Gaya Kotwali P.S. Case No. 102 of 2015 so far as it relates to petitioner No. 1, Arun Kumar Sinha and petitioner No. 2, Madhuri Sinha is/are hereby quashed.

The Cr. Misc. No. 28288 of 2016 is allowed.

**(Rajiv Roy, J)**

Ajay Singh/-

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