

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72984 of 2018

Arising Out of PS. Case No.-563 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Amit Kumar Son of late Ramesh Shankar Khanna@ Ramesh Shankar, D-304,
Sivanta Apartment Bakeri City, Vejalpur, P.O. P.S. Vejalpur, Ahmadabad.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shalini Kumari Sahgal W/o Amit Kumar C/o Arun Kumar Sahal, Sahgal Bhawan, Ward No. 15, P.S.P.S.- Madhubani, District - Madhubani.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54066 of 2018

Arising Out of PS. Case No.-563 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

- =====
1. Shalini @ Saroj Devi wife of Late Ramesh Shankar Khanna @ Ramesh Shankar, C/o Ajit Kumar J.T.O. BSNL Staff Quarter P.O. P.S. Cantt, Varanasi.
 2. Ajit Kumar Son of Late Ramesh Shankar Khanna @ Ramesh Shankar, J.T.O. BSNL Staff Quarter P.O. P.S. Cantt, Varanasi.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shalini Kumari Sahgal, W/o Anit Kumar, C/o Arun Kumar Sahgal Bhawan, Ward No. 15, P.S. P.O.- Madhubani, District- Madhubani.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 72984 of 2018)

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 54066 of 2018)

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

12 30-11-2023

Cr. Misc. No.72984/2018

1. Heard the learned counsel for the petitioner and the



learned APP for the State along with learned counsel for the O.P. No.2 Mr. Dheeraj Kumar.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 20.01.2017 passed in Complaint Case No.563(CIS)/627(CR)/2016, TR No. 2467/2017, whereby cognizance of offences under sections 323, 341, 498(A) and 354 of the Indian Penal Code has been taken by the learned S.D.J.M., Madhubani.

3. The learned counsel for the petitioner next submits that the dispute was completely matrimonial. It is next submitted that this case was taken up on several occasion. It is next submitted that the case was also taken up on 06.11.2023, wherein a detailed order was passed as chances were bright that an amicable settlement shall be reached between the parties. The learned counsel next submits that the dispute in between the petitioner and the O.P. No.2 has been resolved and the O.P. No.2 has received Rs.15 lakh by way of one time settlement which also includes maintenance and has even signed on the application seeking divorce by mutual consent.

4. The learned counsel appearing on behalf of the O.P. No.2 concurs with the submission of the learned counsel for the petitioner and submits that he has instruction to make submission on behalf of the O.P. No.2 that she does not have any objection in the event if the quashing application is allowed.



5. Considering the submission made by the learned counsel for the O.P. No.2, the order dated 20.01.2017 passed in Complaint Case No.563(CIS)/627(CR)/2016, TR No. 2467/2017, whereby cognizance of offences under sections 323, 341, 498(A) and 354 of the Indian Penal Code has been taken is hereby quashed.

Cr. Misc. No.54066/2018

1. 1. Heard the learned counsel for the petitioners and the learned APP for the State along with learned counsel for the O.P. No.2 Mr. Dheeraj Kumar.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 20.01.2017 passed in Complaint Case No.563(CIS)/627(CR)/2016, TR No. 2467/2017, whereby cognizance of offences under sections 323, 341, 498(A) and 354 of the Indian Penal Code has been taken by the learned S.D.J.M., Madhubani.

3. The learned counsel for the petitioners next submits that the petitioners are mother-in-law and brother-in-law (Devar) of the O.P. No.2. It is next submitted that the husband of O.P. No.2 had also moved this Court for seeking quashing of the aforesaid order of cognizance by filing Cr. Misc. No.72984/2018. It is next submitted that Cr. Misc. No.72984/2018 was allowed as the matter in between the O.P. No.2 and her husband (Amit Kumar) has been resolved. It is next submitted that the petitioners are mother-in-law and brother-in-



law of the O.P. No.2 and since the issue in between the O.P. No.2 and her husband has been resolved, as such, the O.P. No.2 does not intend to pursue the case against the present petitioners.

4. The learned counsel appearing on behalf of the O.P. No.2 concurs with the submission of the learned counsel for the petitioners and submits that he has instruction to make submission on behalf of the O.P. No.2 that the O.P. No.2 does not have any objection in the event if the present application is allowed.

5. Considering the submission made by the learned counsel for the O.P. No.2, the order dated 20.01.2017 passed in Complaint Case No.563(CIS)/627(CR)/2016, TR No. 2467/2017, whereby cognizance of offences under sections 323, 341, 498(A) and 354 of the Indian Penal Code has been taken is hereby quashed.

(Satyavrat Verma, J)

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