

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13831 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Rajeev Kumar Ravi son of Sri Raghunath Prasad Yadav, Residents of Village-
Jaipalpatti, Madhepura, Ward No.12, P.S. and district- Madhepura.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr null null
2. Baby Kumari, wife of Rajeev Kumar Ravi, residents of Village- Turkahi,
P.S.- Bharrahi, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bidhanesh Mishra, Advocate
		Ms. Taniya Kumari Mishra, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-09-2023 Heard Mr. Bidhanesh Mishra, learned counsel along

with Ms. Taniya Kumari Mishra, learned counsel appearing on

behalf of the petitioner and Mr. Ajit Kumar, learned APP

appearing on behalf of the State.

2. Learned counsel appearing on behalf of the
petitioner submits that Opposite Party No. 2 is the legally
wedded wife of the petitioner and she has lodged a frivolous
case in connection with Madhepura Mahila P.S. Case No. 22 of
2014 under Section 498A IPC read with Section 3/4 of the
Dowry Prohibition Act and has also taken step to file petition
under Section 12 of Protection of Women from Domestic
Violence Act, 2005. Learned counsel further submits that



petitioner who is a 55% disabled person as would appear from the concession certificate granted to the petitioner who cannot travel without assistance of an escort. Learned counsel further submits that the petitioner had tried to reconcile the strained matrimonial relationship rather the Opposite Party No. 2 has deserted the petitioner on her own.

3. Learned counsel for the Opposite Party No. 2 submits that the Sub-Divisional Judicial Magistrate passed an order directing the petitioner to reside with Opposite Party No. 2 and not to commit domestic violence and to make payment of Rs. 3,000/- per month. Learned counsel submit that the order giving the direction as passed by the Sub-Divisional Magistrate vide order dated 23.04.2016 passed in Case 01 of 2015 Annexure-3 would not carried out by the petitioner.

4. Considering the fact that Opposite Party No. 2 is living separately since 22.12.2002 and the petitioner who is a 55% disabled person as would appear from the concession certificate granted to the petitioner who cannot travel without assistance of an escort, this Court will not interfere with the facts as has been enumerated in the quashing application under Section 482 Cr.P.C. and the veracity of the application made in the complaint to consider the fact that in spite of the specific



direction of the trial Court the party could not arrive at amicable settlement, however, by way of last indulgence the parties may take steps to reconcile their strained marriage relationship for leading a happy conjugal life.

5. Considering the nature of allegation as well as the object of Family Court Act, I am of the opinion that trial Court is required to further take steps to find out an amicable settlement between the parties so that they can lead a happy matrimonial life. This Court finds that protection be granted to the petitioner so that he may take steps in accordance with the outcome of negotiation.

6. With the above observations and directions, the present quashing application stands disposed of.

(Purnendu Singh, J)

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