

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40459 of 2019

Arising Out of PS. Case No.-2390 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

Janmejay Singh, S/O Sri Sadanand Singh R/O Village- Kaswa, P.O.- Kaswa,
P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Chitra Kumari, D/O Late Rajeshwar Prasad Singh R/O Mohalla- Ashok
Nagar, Road No. 1, P.O. And P.S.- Kankarbag, Disrict- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha- Sr. Advocate Mr. Ajit Kumar Singh- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.
For the Complainant	:	Mr. Shivendra Prasad- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 14-09-2023 1. Heard learned senior counsel for the petitioner,

learned counsel for the complainant and learned APP for the

State.

2. The learned senior counsel for the petitioner
submits that the present application has been filed seeking
quashing of the order dated 04.12.2017 passed by the learned
Sub-Divisional Judicial Magistrate, Patna in Complaint Case
No.2390(C) of 2017, whereby cognizance of offence under
Section 498A of the I.P.C. read with Section 4 of the D. P. Act
has been taken.

3. The learned senior counsel for the petitioner



submits that it is not in dispute that the marriage was performed between the petitioner and the opposite party no.2, but then, the opposite party no.2 by concealing certain relevant facts that is her education qualification and date of birth married the petitioner. It is next submitted that when the petitioner came to know about the said concealment after marriage, he filed an application under Section 12 of the Hindu Marriage Act for getting the marriage declared a nullity.

4. It is further submitted that thereafter, notices were issued on the opposite party no.2 by the learned Additional District Judge-10, Alipur, West Bengal, but it appears that the notices were not served on the opposite party no.2, thereafter, paper publication in daily Newspaper, Times of India, Patna Edition was made and after completing all the formalities leading to the notice, when opposite party no.2 did not appear before the learned Additional District Judge-10, Alipur, West Bengal, the learned Court proceeded and the marriage was declared a nullity by a judgment dated 13.07.2022 and accordingly, decree was prepared. It is next submitted that the application under Section 12 of the Hindu Marriage Act for getting the marriage declared a nullity was filed in West Bengal on the ground that petitioner and the opposite party no.2 had



lastly resided within the jurisdiction of the said Court.

5. The learned senior counsel for the petitioner based on instruction submits that the order by which the marriage was declared a nullity has not been challenged by the opposite party no.2 herein. It is further submitted that the opposite party no.2 presently is working and has performed her second marriage. This submission was made on the earlier occasion also when the case was taken up on 01.09.2022, when the learned counsel appearing for the complainant had sought time to seek instruction on the ground that despite his best endeavour, he was not able to contact the opposite party no.2.

6. Today, when the matter is taken up, the learned counsel for the complainant again submits that despite his best endeavour, he could not obtain instruction from the opposite party no.2 as he was not able to contact her.

7. Considering the submission made by the learned senior counsel that the marriage was performed by concealing relevant facts, thereafter, the opposite party no.2 has performed her second marriage and is working, as such, the Court is inclined to interfere in the order dated 04.12.2017 passed by the learned Sub-Divisional Judicial Magistrate, Patna in Complaint Case No.2390(C) of 2017 whereby cognizance of offence under



Section 498-A of the I.P.C. read with Section 4 of the D. P. Act
has been taken.

8. After hearing the learned counsel for the parties,
the order dated 04.12.2017 passed by the learned Sub-Divisional
Judicial Magistrate, Patna in Complaint Case No.2390(C) of
2017 is hereby quashed.

(Satyavrat Verma, J)

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