

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63308 of 2017

Arising Out of PS. Case No.-1258 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Mohammad Aslam Son of Late Ghulam Ghaus, Resident of Star villa, S.F.R.
Road, Rahmat Nagar, Burnpur, P.S.- Hirapur, District- Burdwan W.B.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Fatima Zohra, Wife of Mohammad Aslam, D/o S.M. Abul Wais, Resident of
A/390, Naz Enclave, J and K Apartment, Indrapur, Samanpura, Raja Bazar,
P.S.- Shastri Nagar, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin

For the Opposite Party/s : Mr.Sri Sunil Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-04-2023 Heard learned counsel for the parties.

This application is filed for quashing the order dated
26.04.2016 passed by learned S.D.J.M., Patna in Complaint
Case No. 1258 (C) of 2015 by which cognizance has been taken
against the petitioner for the offence under Section 498A of the
Indian Penal Code and section 3/4 of the Dowry Prohibition
Act.

It has been submitted by learned counsel for the
petitioner that the matter has been settled between the parties
and the opposite party no. 2 has got a demand draft of Rs.



2,75,000/- (Rs. Two Lacs and Seventy Five Thousand only). The demand draft is annexed with the supplementary affidavit.

Mr. Raushan Kumar, learned counsel for the opposite party no. 2 submits that he has no instruction in the matter.

In these circumstances, this application is disposed of with direction to the court below to verify the compromise petition and if the compromise is found to be genuine and supported by the opposite party no. 2 then the proceeding should be dropped against all the accused person. This exercise must be done within a month of the communication of the order of this Court. If the opposite party no. 2 does not appear in the court below, the court below shall pass appropriate order dropping the proceeding.

It has further been submitted by learned counsel for the petitioner that Maintenance Case No. 258 of 2017 is pending in the court of Additional Family Court, Patna but the complainant is not cooperating in the matter and she is not appearing in the court below. If the complainant is not appearing in the case for the last few dates and the matter has been settled, the Additional Principal Judge, Patna will dispose of the same and drop the same within a month and receipt of the copy of this order.



Let a copy of this order be communicated to the District Judge, Patna as well as Additional Principal Judge, Patna for its compliance forthwith.

(Sandeep Kumar, J)

Ranjeet/-

U		T	
---	--	---	--

