

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37645 of 2019

Arising Out of PS. Case No.-751 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

ANURAG KAMAL Son of Ashok Kumar Presently Resident of Transguard Group LLC, Ist Floor, Block- C Emirates Group, Security Building P.O. Box 22630, Da FZA, Dubai UAE, Permanent Resident of Alakh Kamal Kutir, Rajendra Nagar Road No. 11, P.S- Kadamkuan, P.O- Rajendra Nagar, Patna- 800016.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sachidanand Thakur Son of Late Ram Ahlad Thakur Resident of Kashipur, Mohanpur Ward no.13, P.S. Nagar, District-Samstipur
3. Sujata Kumari Wife of Amitabh Kamal, Resident of Flat no.204, Alakh Kamla Kutir Apartment, Road no.11, Rajendra Nagar, P.S.- Kadamkuan, District-Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62311 of 2018

Arising Out of PS. Case No.-751 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

1. Ashok Kumar Son of Late Shambhu Sharan Singh.
2. Prabhawati Devi Wife of Ashok Kumar Both are Resident of Flat no. 204, Alakh Kamla Kutir Apartment, Road no.11, Rajendra Nagar, P.S. Kadam Kuan District Patna.
3. Alka Ranjan, W/o Rewati Ranjan, D/o Ashok Kumar, C/o S.S. Sharma, Koilwa House, near Shiv Mandir, Kirani ghat P.S.-Kotwali, P.O.-G.P.O., Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sachidanand Thakur, Son of Late Ram Ahlad Thakur, Resident of Kashipur, Mohanpur Ward no. 13, P.S. Nagar, District-Samastipur.
3. Sujata Kumari, Wife of Amitabh Kamal, Both are Resident of Flat no. 204, Alakh Kamla Kutir Apartment, Road no.11, Rajendra Nagar, P.S. Kadam Kuan District Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42414 of 2019



Arising Out of PS. Case No.-751 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

ARCHANA SHARMA Wife of Pranav Gunjan Presently residing at 325 Webb Drive 1802, Mississauga, ONL5B329 Canada, Permanent resident of Gulzarbah, P.S.- Alamganj, Patna - 7, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sachidanand Thakur Son of Late Ram Ahlad Thakur Resident of - kashipur, Mohanpur ward no. 13, P.S.- Nagar, Distt - Patna.
3. Sujata Kumari Wife of Amitabh Kamal Resident of Flat no. 204, Alakh Kamla Kutir Apartment, Road no. 11, Rajendra Nagar, P.S.- Kadam Kuan, Distt - Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37645 of 2019)

For the Petitioner/s : Mr. Renuka Sharma

For the Opposite Party/s : Mr. Rajendra Prasad Nat

(In CRIMINAL MISCELLANEOUS No. 62311 of 2018)

For the Petitioner/s : Mr. Renuka Sharma

For the Opposite Party/s : Mr. Anil Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 42414 of 2019)

For the Petitioner/s : Mr. Renuka Sharma

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 12-07-2023 Heard learned counsel for the petitioners and learned senior counsel for the opposite party no. 3.

2. This application has been filed for quashing and cancel the order dated 04.09.2018 by which learned S.D.J.M., Samastipur has taken cognizance against the petitioners in connection with C.R. No. 751/2018, registered under Sections 420/34, 406/34, 498A/34 of the Indian Penal Code and Section 4 of the D.P. Act and Section 3/4 of the Dayan Act.



3. As per prosecution case, complainant has married his daughter with one Amitabh Kamal, son of the petitioner no. 1. On occasion of marriage, petitioner has demanded Rs. 20 Lakhs in the name of expense of marriage. The complainant has given Rs. 11 Lakhs on 29.08.2015 and the balance amount was also paid prior to marriage. On the day of marriage when the complainant went to receive the barat, petitioner and his younger son Anurag Kamal made a demand of Rs. 5 Lakhs to meet the expenses of reception and ornaments and then the complainant assured that he will meet their demand in some days then they became angry. At the time of *vidai*, the complainant gave 70 bhar gold and other items to Ashok Singh for safekeeping. When the complainant arrived to attend reception all the accused persons demanded Rs. 3 Lakhs to which informant expressed his inability to meet their demand. Thereafter, the informant in January, 2016 brought his daughter to *Maike*. Amitabh Kamal and his brother Anurag Kamal visited complainant's house and asked for Rs. 15 Lakhs upon which complainant expressed his inability to pay the same. After few days, when the complainant along with his son and cousin visited in-laws house of the daughter then the accused persons told that his daughter is a



witch and performs black magic and therefore asked him to take her daughter along with him. The complainant's daughter disclosed that Ashok Kumar along with his wife and Joginder used to physically assault her and didn't even provide proper food to her. Thereafter, complainant lodged complaint case against the accused persons.

4. As per the mutual agreement between the parties, the petitioner had earlier given Rs. 25 Lakhs to the opposite party no. 2 by way of demand draft. Today, the petitioner is handing over a demand draft of Rs. 50 Lakh to the opposite party no. 3.

5. The Divorce Case No. 783/2023 shall be disposed of by the Principal Judge, Family Court, Patna/Additional Principal Judge, Family Court, Patna within three months from the date of receipt of copy of this order.

6. The Maintenance Case No. 158 of 2018, pending in the Family Court, Samastipur shall be withdrawn by the opposite party no. 3.

7. The demand draft of Rs. 50 Lakhs is being handed over to opposite party no. 3 in Court when she will vacate the flat within two weeks and key shall be handed over to the learned counsel for the petitioners.



8. In view of the settlement between the parties, this application is allowed.

9. The order dated 04.09.2018 by which learned S.D.J.M., Samastipur has taken cognizance against the petitioners in connection with C.R. No. 751/2018 is hereby quashed with respect to the petitioners only.

(Sandeep Kumar, J)

Ranjeet/-

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