

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30659 of 2016

Arising Out of PS. Case No.-102 Year-2015 Thana- GAYA KOTWALI District- Gaya

Avichal @ Avichal Sinha son of Sri Arun Kumar Sinha resident of Anandpur Kothi, Roy Sheetal Prasad Road, Murarpur, P.S. - Kotwali, District - Gaya at present residing at house no 73/9, 8th main 12th cross 6 btm lay out, Bangalore - 560076, Karnataka.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Shalini Kumari wife of Avichal Sinha, D/o - Prem Kumar Singh resident of Anandpur Kothi, Roy Sheetal Prasad Road, Murarpur, P.S. - Kotwali, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Sinha
		Mr. Prabhat Kumar
For the Opposite Party/s	:	Mr. Sri Murlidhar
	:	Mr. Shivendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner filed a supplementary affidavit in the Court today itself.

Let it be kept on the record.

The present application is filed for quashing of the order dated 28.03.2016 passed by learned C.J.M., Gaya in connection with Gaya Kotwali P.S. Case No. 102/2015 registered u/s. 498(A) of the Indian Penal Code and ¾ of the D.P. Act whereby and whereunder the cognizance was taken



against the petitioner under Section 498(A) of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

Learned counsel for the petitioner submits that the issue between the parties has been resolved and in pursuance of the order of this Court, petitioner has returned the agreed amount of Rs. 30,41,000/- to the opposite party no.2, and a joint petition for divorce under Section 13(B) of the Hindu Marriage Act, has been filed before the learned Court below which is still pending. The said fact has also been accepted by the learned counsel for the informant and he is not having any objection if the impugned order is quashed.

Considering the facts and circumstances of the case, I am inclined to quash the order dated 28.03.2016 in connection with Gaya Kotwali P.S. Case No.102/2015 passed by learned C.J.M., Gaya.

Accordingly, this application is allowed and hereby disposed of.

(Anjani Kumar Sharan, J)

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