

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54641 of 2015

Arising Out of PS. Case No.-850 Year-2011 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. SHAKUNTALA DEVI @ SHAKUNTALA BHAGAT wife of Late Surya Prasad Bhagat
 2. Rina Devi @ Rina Bhagat wife of Ajay Bhagat Petitioner no. 1 Resident of Kalibari Road, P.S. Islampur District - Uttar Dinajpur West Bengal, and Petitioner no. 2 Resident of Mohalla - Sharda Nagar, near Four Star Cinema P.S. Purnea, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Bhagat @ Kanchan Choudhary w/o Ranjit Prasad Bhagat, D/o Nirmal Choudhary Resident of Choti Balia Bazar P.S. - Balia, District - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Hirday Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The present quashing application has been filed seeking quashing of the order dated 24.08.2021 in Complaint Case No. 850(C) of 2011 whereby cognizance for the offences under Sections 498(A), 323 and 379/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act has been taken by the learned court below.

3. Learned counsel for the petitioners submits that thereafter charges were framed which signifies commencement



of the trial but then the matter was compromised between the parties and thus seeks quashing of the order taking cognizance in terms of the order of the Hon'ble Supreme Court in the case of **B.S. Joshi & Ors. vs. State of Haryana & Anr.** reported in (2003) 4 SCC 675, wherein the matrimonial dispute based on compromise was quashed and it was observed that it should be a duty of the Court to encourage genuine settlement of the matrimonial disputes.

4. Since the trial has commenced as such the Court is not inclined to entertain this application.

5. Accordingly, this application is disposed of.

6. However, the petitioners will be at liberty to bring the order of the Hon'ble Supreme Court in the case of B.S. Joshi (**supra**) to the notice of the learned trial court as recorded hereinabove.

(Satyavrat Verma, J)

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