

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50335 of 2018

Arising Out of PS. Case No.-96 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Pallav Sinha Son of Ramashray Sinha,
 2. Ramashray Sinha @ Ramashray Prasad Sinha, Son of Late Ram Kishore Prasad Singh.
 3. Ashish Sinha, Son of Ramashray Sinha.
 4. Prity Sinha @ Suprita Sinha, Wife of Ashish Sinha. All are Resident of Ramashray Sadan, Police Colony, Sector- A, Road No. 5, Quarter No. 52, Anisabad, P.S.- Gardanibagh, District Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Seema Kumari, Wife of Pallav Sinha, D/o Pankaj Kumar Sharma, Resident of Village- Mahti, P.S.- Vibhutipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar
For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 17-03-2023 Heard the parties.

The present application has been filed for quashing the Complaint Case No. 96 of 2018 filed in the Court of Additional Chief Judicial Magistrate, Rosera, Samastipur, by Opposite Party No. 2 against the petitioners under Sections 498(A), 420, 448, 384, 386, 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners has filed an interlocutory application (I.A. No. 1 of 2023) giving the details



of the flat which has been registered in favour of the opposite party No. 2 and he has also produced a demand draft of Rupees Twenty-Five Lakhs prepared in the name of the opposite party No. 2.

The original sale deed as well as the demand draft are handed over to Mr. Pankaj Kumar Sharma (father of the opposite party No. 2).

In view of the settlement of the dispute between the parties, the following cases are hereby quashed:-

“(A) order dated 09.05.2019 passed by Principal Judge, Family Court Samastipur and entire Maintenance Case No. 4 of 2014, renumbered as 517 of 2014 pending in the Court of Principal Judge, Family Court, Samastipur.

(B) Order dated 01.10.2021 passed by the A.C.J.M.-II, Rosara in Complaint Case No. 657 of 2019 and entire Complaint Case filed by Opposite Party No. 2 under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005.”

So far as the application for dissolution of marriage pending between the petitioner No. 1 and opposite party No. 2 being Matrimonial (Divorce) Case No. 313 of 2018 is concerned which is pending in the Court of Assistant Principal Judge, Family Court, Patna, it is directed that the opposite party will file a joint application under Section 13 for divorce on mutual



consent along with the petitioner and, thereafter, the Principal Judge, Family Court, Patna will proceed in the matter and pass an order in accordance with law. He is also directed to pass an order to lessen the time between the first motion and the second motion for divorce on mutual consent.

In case, the opposite party No. 2 does not co-operate in the divorce, contempt proceeding will be initiated against her.

The parties will proceed with the petition for divorce on mutual consent on the next date of hearing.

With the aforesaid observation and direction, the Complaint Case No. 96 of 2018 filed in the Court of Additional Chief Judicial Magistrate, Rosera by Opposite Party No. 2 against the petitioners under Section 498(A), 420, 448, 384, 386, 323 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act is hereby quashed.

This application is disposed of.

(Sandeep Kumar, J)

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