

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71406 of 2019**

Arising Out of PS. Case No.-19 Year-2018 Thana- ARWAL MAHILA District- Jehanabad

1. Gautam @ Gautam Kumar Son of Uma Shankar Sharma Resident of Village - Sumitra Sadan, Jagat Narayan Road, Kadam Kuan, Patna - 3, P.S.- Kadamkuan, Distt - Patna. (Bihar)
2. Uma Shankar Sharma Son of Dinanath Sharma Resident of Village - Sumitra Sadan, Jagat Narayan Road, Kadam Kuan, Patna - 3, P.S.- Kadamkuan, Distt - Patna. (Bihar)
3. Indu Sharma Wife of Uma Shankar Sharma Resident of Village - Sumitra Sadan, Jagat Narayan Road, Kadam Kuan, Patna - 3, P.S.- Kadamkuan, Distt - Patna. (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Puja @ Puja Kumari D/o Satyendra Singh Resident of Village - Sahar Telpa, P.S.- Karpi, Distt - Arwal (Bihar)

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ansul, Advocate  
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      24-02-2023                      Heard Mr. Ansul, learned counsel for the petitioners and the State.

2. The present case has been preferred by the petitioners for quashing of the order dated 8.4.2019 passed in Arwal Mahila P.S. Case No. 19 of 2018 by the learned Magistrate under sections 341, 323, 504, 498A, 341 of the Indian Penal Code and 3/4 of the D.P. Act.

3. Learned counsel for the petitioners submit that following the case, the well wishers intervened in the matter and



that led to compromise between the parties, a deed of compromise was prepared and signed by both the informant as well as the petitioner-husband on 16.5.2019 and the witnesses to the said compromise deed were the respective fathers of the informant and the petitioner-husband

4 The content of the deed of compromise read as follows:

**DEED OF COMPROMISE**

- 1. That the petitioner Gautam Kumar and Informant Puja Kumari have settled their differences.*
- 2. That the Petitioner Gautam has filed Matrimonial Case No. 1148 of 2018 for divorce which is pending in the Court of Principal Judge-11, Patna. In terms of the Petition of Compromise, the Petitioner shall withdraw the Matrimonial Case.*
- 3. That the Lady Puja Kumari has filed 2 criminal Cases. The first is the instant case being Arwal Mahila P.S case No. 19 of 2018 dated 04.12.2018 for offences u/s 341, 323, 504, 506, 468a/34 IPC and N of the Dowry*



*Prohibition Act pending before SDJM, Arwal at Jehanabad. She would file the petition to withdraw the case in the court below as well as cooperate quashing of the case in the Hon'ble High Court.*

*4. That Puja Kumari has filed complaint Case No. 377 of 2018 pending before SDJM Arwal. She would file the petition to withdraw the case in the court below as well as co operate in quashing of the case in the Hon'ble High court.*

*5. That for final settlement of dispute, Gautam e Gautam Kumar and Puja Kumari would file petition for Divorce by Mutual consent before the Principal Judge, Patna and would co operate at all levels with each other for final settlement of disputes.*

*6. That Gautam @ Gautam Kumar shall pay Rs. 8,28,000/- (Eight lakhs twenty eight thousand) only through Demand Draft to the complainant/informant Puja Kumari which shall be for the full and final settlement of*



*the all the claims and disputes between the parties.*

*Photo copy of draft of Rs. 8,28,000/-issued by United Bank of India Bihar Bar Council bearing Draft No. 747270 dated 13.5.2019 in favour of Puja Kumari (informant) is annexed herewith and marked as Annexure-1*

*7. That both the parties undertake never ever to file Civil or Criminal Proceeding against each other in connection with any dispute.*

*Deponent*

*Signature of petitioner      Signature of informant*

*Gautam*

*Puja Kumari*

5. Accordingly, the anticipatory bail application of husband was taken up by a coordinate bench of this Court (Hon'ble Mr. Rajendra Kumar Mishra, J as his Lordship then was) in Cr. Misc. No. 9052 of 2019 and after going through the deed of compromise, the order was passed confirming the



provisional relief earlier granted.

7. It is the contention of the learned counsel for the petitioner that despite the signing of the documents and receiving Rs. 8, 28,000/- as per the agreement, the lady turned her back leaving the accused-petitioner in a lurch.

8. Having no alternative, the present petition.

9. The matter was earlier taken up by a coordinate bench of this Court on 19.12.2019 and the following order was passed:

*"Issue notice to opposite party no.2 through both processes i.e. ordinary process as well as speed post, for which requisites must be filed on or before 13.1.2020, failing which this application shall stand dismissed without further reference to the Bench.*

*Put up on service of notice or after appearance of O.P. No.2, whichever is earlier.*

*During pendency of the instant case, no coercive steps shall be taken against the petitioners in connection with Arwal Mahila P.S. Case No. 19 of 2018 pending in the*



*court of learned S.D.J.M., Arwal".*

10. As per the office report dated 17.2.2023, the father of the O.P. No. 2 received ordinary notice.

11. On 20.2.2023, this Court had taken up the matter and considering the fact that the father had received the notice, the petitioners sought time to file jointness petition which has now been filed.

12. Heard learned counsel for the parties.

13. It is contention of the learned counsel for the petitioners that in compliance of the said deed of compromise, the husband withdrew Matrimonial Case No. 1148 of 2018 preferred before the learned Principal Judge, Family Court, Patna under section 13(i) (ia) preferred under Hindu Marriage Act 1955 for divorce.

14. On the other hand, the informant completely flouting the deed of compromise as stated above has chosen not to cooperate in the matter.

15. This Court has gone through the facts of the case, deed of compromise as also the order dated 16.5.2019 by a bench of this Court as stated above (in Cr. Misc. No. 9052 of 2019) and is of the considered view that having signed the documents which has also been approved by their respective



fathers (Annexure-3 series) she should have taken further steps in compliance of with the deed of compromise which was accepted by her.

16. However, despite the notice by a coordinate bench of this Court which was duly accepted by her father, she has not even bothered to appear and/or put her view point for the reasons behind flouting the deed of compromise.

17. In the aforesaid circumstances, this Court has no option but to quash the order dated 8.4.2019 passed by the learned S.D.J.M., Arwal, Jehanabad in Arwal Mahila P.S. Case No. 19 of 2018 by which the learned Court had taken cognizance under sections 341, 323, 504, 498A, 341 of the Indian Penal Code and 3/4 of the D.P. Act.

18. The application preferred under section 482 of the Cr.P.C. stands allowed.

**I.A. No. 01 of 2023:**

19. In view of the fact that the petition stands allowed, the I.A. No. 01 of 2023 is also disposed of.

**(Rajiv Roy, J)**

Ravi/-

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