

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10099 of 2024

Arising Out of PS. Case No.-19 Year-2022 Thana- MAHILA P.S. District- Rohtas

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1. Vivek Kumar @ Raja S/o Dr. Virendra Kumar Singh R/o vill.- Naduara, P.O.- Phulwaria (Baheri), P.S.- Gurua (Amas), Dist.-Gaya
 2. Dr. Virendra Kumar Singh S/o Late Rajpati Singh R/o vill.- Naduara, P.O.- Phulwaria (Baheri), P.S.- Gurua (Amas), Dist.-Gaya
 3. Madhuri Devi W/o Dr. Virendra Kumar Singh R/o vill.- Naduara, P.O.- Phulwaria (Baheri), P.S.- Gurua (Amas), Dist.-Gaya
 4. Vikash Kumar @ Chotu S/O Dr. Virendra Kumar Singh R/o vill.- Naduara, P.O.- Phulwaria (Baheri), P.S.- Gurua (Amas), Dist.-Gaya
 5. Nilu Singh W/o Avinash Kumar R/o village- Telgi, P.O.-Kharik Bazar, P.S.- Kharik, Distt.-Bhagalpur
 6. Avinash Kumar S/o Rambelash Kumar R/o village- Telgi, P.O.-Kharik Bazar, P.S.-Kharik, Distt.-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi Kumari @ Sweeti Kumari D/o Awadhesh Singh R/O village and P.O.- Sikariya, P.S.-Karakat, Distt.-Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhash Pradhan, Advocate
For the Opposite Party/s :	Mr. Humayou Ahmad Khan, APP
	Mr. Arun Kumar Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 15-05-2024

1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioners have filed the instant application praying for quashing the order dated 1.9.2022 whereby the learned Sub Judge-IX-cum-Additional Chief Judicial



Magistrate, Rohtas, Sasaram was pleased to take cognizance under sections 341, 323, 498A, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act in Mahila P.S Case no. 19 of 2022.

3. On the written statement of the opposite party no.2 addressed to the Officer-In-Charge, Mahila Police Station, Dehri Rohtas, Mahila P.S Case no. 19 of 2022 was registered under sections 341, 323, 498A, 120B, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. After investigation, chargesheet was submitted in the case and having perused the material on record, the learned trial Court by the order impugned dated 1.9.2022 was pleased to take cognizance under the aforesaid sections.

4. Learned counsel for the petitioners submits that as a result of the intervention of the well-wishers, the matter has been settled between the parties. Reference is made to the affidavit of the opposite party no.2 (Annexure P/3), filed in the Court of learned Sub-Divisional Judicial Magistrate, Sasaram, a copy of which has been brought on record as Annexure P/3 to the supplementary affidavit filed on behalf of the petitioners. It was stated in the said affidavit by the informant that the matter has been amicably resolved and the entire disputes



settled and thus the informant is not interested in pursuing the Mahila P.S Case no. 19 of 2022 as also the Maintenance Case no. 106 of 2022. On the said affidavit having been filed on 26.4.2024, the matter was heard on 7.5.2024 when learned counsel for the opposite party no.2 appeared and the following order was passed :-

“1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. Learned counsel for the petitioners refers to the supplementary affidavit filed on behalf of the petitioners and more particularly the statement made in paragraph no.3 thereof to submit that the matter has been amicably settled between the parties. The informant is residing with her husband ie the petitioner no.1. She does not want to pursue this case and has filed an affidavit in Mahila P.S Case no.19 of 2022 in the Court of learned Sub-Divisional Judicial Magistrate, Sasaram which has been brought on record as Annexure-P/3 to the supplementary affidavit filed on behalf of the petitioners. She has stated therein that she has no objection to the instant FIR being quashed and is ready to withdraw the Maintenance Case no. 106 of 2022 pending in the Court of learned Principal Judge, Family Court, Rohtas.

3. Learned counsel for the opposite party no.2 has appeared.

4. Let an affidavit be filed in the instant application personally sworn by the opposite party no.2 by 13.5.2024.



5. In view of the above, during pendency of this application, no coercive steps shall be taken against the petitioners in connection with Mahila P.S Case no. 19 of 2022 pending in the Court of learned Additional Chief Judicial Magistrate, Rohtas, Sasaram.

6. Put up this case on 15.5.2024.”

5. Pursuant to the direction of this Court, learned counsel appearing for the opposite party no.2 submits that an affidavit personally sworn by the informant-opposite party no.2 has been filed on 13.5.2024 reiterating the statements made by opposite party no.2 in earlier affidavit filed in the Court of learned Sub-Divisional Judicial Magistrate, Sasaram. The contents of the affidavit of opposite party no.2 filed in the instant case on 13.5.2024 is reproduced herein below for ready reference :-

“1) That I have been impleaded as Opposite Party No.- 2 in this case and as such am well acquainted with the facts and circumstances of the case.

2) That this affidavit is being filed for bringing some relevant facts before this Hon'ble court due to subsequent development made in the case and by the leave of this Hon'ble court the same is being brought for proper and fair adjudication of the case by this Hon'ble Court.

3) That the Opposite party no.-2 has amicably resolved the entire disputes and issues with her husband namely



Vivek Kumar @ Raja and other co-accused which was arised due to certain misunderstanding. Hence does not want to proceed further in the Mahila P.S. case no. 19/22 anymore.

4) That Opposite Party No-2 is residing with her husband and his family from 27.03.2023 and Opposite Party No.- 2 have no issues with any co-accused.

5) That Opposite Party No.-2 has no objection if the said Mahila P.S. Case No. 19/22 dated 15.03.2022 and proceeding emanating there from be quashed by this Hon'ble Court.

6) That Opposite Party No.-2 has already filed affidavit dated 28.11.2023 in the court of learned S.D.J.M. Sasaram that Opposite Party No.-2 has amicably resolved the entire disputes and residing with her husband and his family from 27.03.2023.

A photocopy of affidavit filed in the court of learned S.D.J.M Sasaram is annexed herewith and marked as Annexure-A/1 to this petition.

7) That the contents of this affidavit have been read over and explained to me in Hindi which I have fully understood the same and the statement made therein are true to my knowledge and belief.

8) That the annexure is true copy of its respective original.”

6. Learned counsel for the opposite party no.2 submits that the informant has no objection in case the FIR is quashed.

7. Having heard learned counsel for the parties and



having gone through the material on record specially the contents of the affidavit filed on behalf of the informant-opposite party no.2 which has been reproduced herein above and in view of the submissions on behalf of the parties, the FIR of Mahila P.S Case no. 19 of 2022 pending in the Court of learned Additional Chief Judicial Magistrate, Rohtas, Sasaram is hereby quashed.

8. The application is allowed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.05.2024.
Transmission Date	

