

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14823 of 2022

Arising Out of PS. Case No.-128 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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MURLIDHAR SRIVASTAVA S/o Sri Bageshwar Prasad Srivastava Resident
of Nehru Nagar, Ghaziabad, District - Ghaziabad (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Namrata Srivastava W/o Murlidhar Srivastava Resident of Village -
Dwarkapuri, Khagaul, P.S. - Khagaul, District - Patan
3. Alina Srivastava D/o Murlidhar Srivastava, Represented through her mother
Namrata Srivastava Resident of Village - Dwarkapuri, Khagaul, P.S. -
Khagaul, District- Patan
4. Chhavi Srivastava D/o Murlidhar Srivastava, represented through her
mother Namrata Srivastava. Resident of Village - Dwarkapuri, Khagaul, P.S.
- Khagaul, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rohan Verma, Advocate
For the State	:	Dr. (Mr.) Mrityunjaya Kr. Gautam, A.P.P.
For the O.P. No. 2	:	Mr. Manendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

12 04-01-2024

1. Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the opposite party no. 2.

2. The present quashing application has been filed seeking
quashing of the order dated 15.01.2022 passed by the learned
Additional Sessions Judge-VII, Danapur, Patna in Cr. Appeal No.
147 of 2019 whereby the appeal preferred by the petitioner under
Section 29 of the Protection of Women from Domestic Violence Act,
2005 has been dismissed and the order dated 15.03.2019 passed by
the learned Sub-Divisional Judicial Magistrate, Danapur, Patna in
Complaint Case No. 128C of 2016 has been upheld with certain



modification.

3. Learned counsel appearing on behalf of the opposite party no. 2 at the outset submits that he has instruction to make submission that opposite party no. 2 does not have any objection in the event if the present quashing application is allowed and the order impugned is quashed. It is further submitted that the dispute was matrimonial and the opposite party no. 2 is staying with her husband i.e. the petitioner and opposite party no. 2 are enjoying peaceful conjugal life.

4. Learned counsel for the petitioner also concurs with the submission of the learned counsel for the opposite party no. 2.

5. Considering the submissions made by the learned counsel appearing on behalf of the opposite party no. 2, the order dated 15.01.2022 passed by the learned Additional Sessions Judge-VII, Danapur, Patna in Cr. Appeal No. 147 of 2019 whereby the order dated 15.03.2019 passed by the learned Sub-Divisional Judicial Magistrate, Danapur, Patna in Complaint Case No. 128C of 2016 has been upheld is hereby quashed.

6. Accordingly, this quashing application stands allowed.

(Satyavrat Verma, J)

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