

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21369 of 2024

Arising Out of PS. Case No.-61 Year-2019 Thana- MAHILA P.S. District- Patna

Priyadarshi Ranjan@ Bunty, Son of Sri Ravindra Ranjan, Resident of Village- Akbarpur, PS- Paliganj, District- Patna, Presently Residing in Keyal Bhawan, Professor Colony, PS- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Shalani Kumari @ Shalini Kumari, Wife of Priyadarshi Ranjan @ Bunty, Resident of Village- RMS Colony, Road No. 1A, PS- Kankarbagh, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-05-2024

1. The instant application has been filed by the petitioner praying for setting aside the order taking cognizance dated 27.1.2021 passed in Mahila P.S. Case no.61 of 2019 whereby the learned Judicial Magistrate Ist Class, Patna was pleased to take cognizance under sections 498A, 341, 323, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the petitioner submits that the instant application arises out of an F.I.R being Mahila P.S. Case no.61 of 2019 registered under sections 498A, 341, 328, 504



and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. After investigation of the case, charge-sheet was submitted and thereafter cognizance was taken by the order impugned, which is under challenge in the instant application. It is further submitted that the instant application arising out of a matrimonial dispute, the parties have arrived at a compromise which would be evident from the respective affidavits filed in the instant case. Learned counsel further submits that one Complaint Case no.2753(C) of 2019 has been filed by the petitioner against the opposite party no.2. The required steps will be taken for withdrawal of the said case by the petitioner.

3. Contents of the supplementary affidavit filed on behalf of the petitioner on 21.3.2024 is reproduced herein below for ready reference:-

“I, Praveen Kumar Mishra (Male), aged about 46 years, Son of Sri Shiv Binod Mishra, Resident of Mishra Toli, Badalpura, Matihani, P.S. Matihani, District- Begusarai, do hereby solemnly affirm and declare as follows:-

1. That I am cousin of the petitioner in the above said case and well acquainted with the facts and circumstances of this case.

2. That as per the direction given by this Hon'ble Court on 15th March, 2024, in the present case, the petitioner is filing this supplementary affidavit.



3. That both the parties have already filed a divorce petition upon mutual consent vide Matrimonial Case No. 1708 of 2022, which is pending in the court of learned Principal Judge, Family Court, Patna.

4. That the petitioner has to give 5,00,000/- (Five Lac) to the opposite party Shalini Kumari as an alimony as per mutual consent of both the parties.

5. That the petitioner has already given Rs. 2,50,000/- (Two Lac Fifty Thousand) to the opposite party at the time of admission of Divorce Case in the lower court itself.

6. That now the petitioner has given rest amount of Rs. 2,50,000/- (Two Lac Fifty Thousand only) by two bank drafts in favour of the opposite party No. 2 Shalini Kumari in the court of learned Principal Judge, Family Court, Patna on 19.03.2024, and both the said drafts have been received by her Advocate Mr. Ashok Kumar. The bank drafts numbered are (1) 761337 of Rs. 2,00,000/- (Two Lakh only) & (2) Draft No. 761338 of Rs. 50,000/- (Fifty Thousand only).

Photocopy of petition dated 19.03.2024 along with receipt are being enclosed herewith and marked as Annexure-7 to this petition.

7. That as per the mutual consent of both the parties alimony money of Rs. 5,00,000/- has already been given to the opposite party on 19.03.2024.

8. That now the opposite party No.2 has no grievances against the petitioner Priyadarshi Ranjan or his relatives. Hence she has not any objection in quashing the Cr. Misc. No. 21369 of



2024 and other pending quashing matter.

9. That the above said statements have been read over and explained to me in simple Hindi, which I have understood and the same are true and correct to the best of my knowledge and belief.”

4. Learned counsel for the opposite party no.2 submits that a compromise has indeed been arrived at between the parties and an affidavit to that effect has been filed personally sworn by the opposite party no.2. Learned counsel has no objection in case the order taking cognizance is quashed and the application is allowed.

5. Contents of the counter affidavit of the opposite party no.2 filed on 16.5.2024 is reproduced herein below for ready reference:-

“I, Shalani Kumari @ Shalini Kumari (Female), aged about 30 years, wife of Priyadarshi Ranjan @ Bunty, daughter of Sri Sanjay Kumar, resident of R.M.S. Colony, Road No. 1A, P.S.- Kankarbagh, District-Patna, do hereby solemnly affirm and declare as follows :-

1. That I am opposite party no. 2 in the present case and well acquainted with the facts and circumstances of this case.

2. That some facts are necessary to bring on record as per the direction of this Hon'ble court.

3. That the petitioner is my husband and I have lodged one criminal case as Mahila P.S.



Case No. 61 of 2019 against my husband and his relatives, which is pending in the court of Ld. S.D.J.M., Patna.

4. That we have compromised amicably in Mahila P.S. Case No. 61 of 2019 and we have decided to live separately after taking mutual divorce, we have no grievances with each other and I do not want to contest the Mahila P.S. Case No. 61 of 2019 further we have also filed a compromise petition in this regard earlier on 28.3.2023 in the court of Ld. S.D.J.M., Patna.

5. That I alongwith my husband has already filed a Mutual Divorce petition u/s 13(B) of Hindu Marriage Act vide Matrimonial Case No. 1708/2022, which is pending in the court of learned Principal Judge, Family Court, Patna.

This case has already been admitted and I have received Rs. 5,00,000/- (Rs. five lacs only) from my husband as a full and final amount of Alimony as well as all household articles and all grievances has been settled between us.

6. That in the above said circumstances, I am praying before your Lordships to set-aside the cognizance order dated 27.01.2021, passed by Ld. S.D.J.M., Patna against my husband and his relatives.

7. That the above said statements have been read over and explained to me in simple Hindi, which I have understood and the same are true and correct to the best of my knowledge and belief.”

6. Having heard learned counsel for the parties and



having perused the contents of the respective affidavits filed on behalf of the petitioner as also filed by the opposite party no.2, contents of which are reproduced herein above, the parties having arrived at a compromise, the instant application is allowed.

7. The order taking cognizance dated 27.1.2021 passed in Mahila P.S. Case no.61 of 2019 by the learned Judicial Magistrate Ist Class, Patna which is impugned herein is hereby quashed.

8. The application is allowed.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	05.06.2024
Transmission Date	

