

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15903 of 2017

Arising Out of PS. Case No.-1 Year-2014 Thana- MAHILA PS District- Jamui

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1. Rajendra Prasad Sah, son of Late Jamuna Sah
 2. Santosh Kumar Sah, son of Rajendra Prasad Sah
 3. Manorma Devi, W/o Rajendra Prasad Sah

All residents of village-Chakai, Post office and Police Station-Chakai,
District-Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanjana Sah, D/o Mahadeo sah, resident of village -Chakai, Post office and police station-Chakai, District-Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Sahay
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay Mr. Prakash Mahto, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-01-2024 1. Heard learned counsel for the petitioners, learned APP, Mr. Jharkhandi Upadhyay along with learned counsel for the OP No. 2, Mr. Prakash Mahto.

 2. Learned counsel for the petitioners submits that the dispute is purely matrimonial. The learned counsel for the petitioner next submits that the petitioner herein had filed Matrimonial Case No. 31 of 2014 seeking divorce by mutual consent and the same was allowed by judgment dated 4-9-2014 passed by the learned Principal Judge, Family Court, Jamui.

 3. It is next submitted that since the petitioner and the OP No. 2 obtained divorce by mutual consent as such keeping



the criminal case pending will be an abuse of the process of the court.

4. The learned counsel appearing on behalf of OP No. 2 concurs with the submission made by learned counsel for the petitioners and submits that he has instructions from OP No. 2 to assert and submit that OP No. 2 shall have no grievance in the event if the present quashing application is allowed, and the order dated 5-1-2017 passed by the learned ADJ-1, Jamui in Criminal Revision No. 49 of 2016, affirming the order dated 9-5-2016 passed by the learned SDJM Jamui in Jamui Mahila PS Case No. 1 of 2014, whereby application seeking discharge on behalf of the petitioners was rejected, is quashed.

5. Considering the submission made by the learned counsel on behalf of the OP No. 2, the order dated 5-1-2017 passed by the learned ADJ-1 Jamui in Criminal Revision No. 49 of 2016 affirming the order dated 9-5-2016 passed by the learned SDJM, Jamui in Jamui Mahila PS Case No. 1 of 2014, whereby application seeking discharge of the petitioners was rejected, is hereby quashed.

(Satyavrat Verma, J)

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