

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26775 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- MAHILA PS District- Darbhanga

1. Kanishk Son of Narendra Kumar Gupta Resident of Sarswati Complex, Flat No. 301, Nehru Nagar, P.S.- Patliputra, District- Patna - 800013
2. Narendra Kumar Gupta Son of Late Babu Saheb Resident of Sarswati Complex, Flat No. 301, Nehru Nagar, P.S.- Patliputra, District.- Patna-800013
3. Madhumita Gupta Wife of Narendra Kumar Gupta Resident of Sarswati Complex, Flat No. 301, Nehru Nagar, P.S.- Patliputra, District.- Patna - 800013
4. Sangita Gupta Wife of Sunil Kumar Gupta Resident of B/6-6/2, Kakali Apartment, Taltala, Baguihati (New Town Nursing), Rajarhat Road, P.S.- Baguihati, District.- Kolkata, West Bengal
5. Abhinav Gupta son of Amitab Gupta Resident of Narayan Chauk, Devi Mandir Road, Dahiyawa, P.S. - Vartur (Town), District.- Chhapra at Saran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Basudha Gupta Wife of Kanishk, D/o Surendra Prasad Gupta Resident of Bada Bazar, P.S.- Town, District.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kr. Singh, Advocate Mr. Ajay Kumar Tiwari, Advocate
For the State	:	Mr. Anil Kumar, APP
For the O.P. No.2	:	Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 16-05-2024

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

2. The instant application has been filed by the petitioners praying for quashing the order dated 5.12.2023



passed in Mahila P.S. Case no.51 of 2023 by the learned Sub Divisional Judicial Magistrate, Darbhanga whereby he was pleased to take cognizance for the offence under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. It may be mentioned here that on an F.I.R having been registered by the informant-opposite party no.2 being Mahila P.S. Case no.51 of 2023 registered under sections 498A, 323, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, a copy of which has been brought on record as Annexure-1 to the petition, investigation was taken up and finally charge-sheet submitted. On the basis of the materials on record including that which had transpired in course of investigation, the learned S.D.J.M, Darbhanga by order impugned dated 5.12.2023 was pleased to take cognizance in the case, as stated above.

4. Learned counsel for the petitioners submits that the petitioner no.1 herein who happens to be the husband of the informant filed Cr. Misc. no.64154 of 2023 praying for grant of bail. On the informant appearing in the said case, the matter was referred to the Patna High Court Mediation Centre for mediation proceedings and making an attempt to bring amicable settlement



between the parties. The matter came to be amicably settled and memorandum of agreement signed by both the parties as also their respective advocates on 16.1.2024 was drawn up and submitted by the Patna High Court Mediation Centre in the aforesaid Cr. Misc. no.64154 of 2023. A copy of the said memorandum of agreement has been brought on record as Annexure-2 to the present petition and the same is reproduced herein below for ready reference:-

“Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No.980 of 2023
[Arising out of Cr.Misc.No.64154 of 2023]

An agreement made on 16.01.2024 at the Patna High Court Mediation Centre, between, Kanishk, Son of Narendra Kumar Gupta, resident of Sarswati Complex, Flat No.301, Nehru Nagar, P.S.-Patliputra, District- Patna-800013.

---Petitioner/ (First party).

And

Basudha Gupta, wife of Kanishk, D/o Surendra Prasad Gupta, resident of Bada Bazar, P.S.-Darbhanga (Town), District-Darbhangha.

--- Opposite Party No.2 (Second party)

Both parties are agreed to settle the dispute with the consent and sweet will on basis of the following terms and conditions:-

- 1. That the both the parties are ready to live*



together as husband and wife.

2. That the petitioner is ready to keep her wife with full honour and dignity. He also assured that he will fulfil all requirements to his wife as per his Income.

3. That both the parties are agreed upon that Mahila P.S. Case No.51 of 2023 pending before Ld. S.D.J.M., Darbhanga, will also be compromised within six month.

4. That the aforesaid contents of the agreement have been read over and explained into Hindi, which have fully been understood and accepted by the parties.

Hence, in the above terms and condition a settlement has been arrived between the parties and both have signed his presence of their respective learned counsels. Who have also put their signature on the agreement.

(Kanishk)

Signature of the petitioner

Date-16.01.2024

(Basudha Gupta)

Signature of the

Opposite party no.2

date-16.01.2024

*Signature of the petitioner
Advocate*

A.O.R. No.-

Date-16.01.2024

*Signature of the
opposite party
No.2 Advocate*

A.O.R. No.-02586

date-16.01.2024”

5. In view of the above, learned counsel for the petitioners and learned counsel for the opposite party no.2 submitted that the matter having been settled between the



parties, the instant application be allowed and the prayer made in paragraph no.1 be granted.

6. Having heard learned counsel for the parties and having perused the contents of the agreement arrived at in the Patna High Court Mediation Centre and as reproduced herein above, the Court is convinced that the instant application can be allowed.

7. In view of the facts and circumstances of the case, the order dated 5.12.2023 passed by the learned S.D.J.M, Darbhanga taking cognizance in connection with Mahila P.S. Case no.51 of 2023 is hereby quashed.

8. The application is allowed.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	18.05.2024
Transmission Date	N/A

