

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40120 of 2017

Arising Out of PS. Case No.-1379 Year-2014 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Rajesh Kumar @ Anand Samrat Son of Late Lakhan Mehta,
 2. Gulab Devi W/o Late Lakhan Mehta,
 3. Rajdeep Mehta Son of Janardan Mehta All are R/o at Hatia Gachi, Ward No.32, P.S.- Saharsa, District- Saharsa.
 4. Ashok Kumar Mehta Son of Late Mahanti Mehta, R/o at Tiwari Tola, Ward No.33, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/o Rajesh Kumar @ Anand Samarat, R/o Village- Mahaddepur, P.S.- Pasraha, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-10-2024 Heard Mr. Md. Harun Quareshi, learned counsel for the Petitioners and Mr. Anil Kumar Singh No. 1, learned APP for the State.

2. The instant petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') with a prayer to quash the order dated 25.01.2017 passed by the learned S.D.J.M., Khagaria in Complaint Case No. 1379C of 2014 by which the cognizance of the offence under Section 498 A of the Indian Penal Code (in short 'IPC') has been taken against the petitioners.

3. The main submissions advanced by learned counsel



for the petitioners are that the petitioner no.1 get married to O.P. no.2 in the year 2010 and thereafter, the petitioner no. 1 filed a Matrimonial Suit under Section 9 of the Hindu Marriage Act which was withdrawn as both the spouses made compromise on one time settlement as well as dissolved their marital relationship on the basis of mutual consent. The complainant (O.P. no. 2) also lodged Pasraha P.S. Case No. 38 of 2015 for the offences under Section 498 A of IPC and Section 3/4 of the Dowry Prohibition Act (in short 'D.P. Act') and the said case was proceeded for trial but the same was also compromised by the petitioner no.1 and O.P. no. 2 as well as the other parties and the accused persons of the said case were acquitted of the charged offences. The O.P. no. 2 also filed a maintenance case in the Family Court, Khagaria bearing Maintenance Case No. 21M of 2015 in which the parties arrived at a compromise. It is further submitted that the petitioner no. 1 and the complainant arrived at one time settlement with regard to permanent alimony and in this regard, Rs. 6,00,000/- (Rupees Six Lakh) was paid by the petitioner no. 1 to O.P. no.2 by way of a Demand Draft No. 714028 of the State Bank of India and accordingly, their marital relationship was dissolved in the Lok Adalat by way of an award and in this regard, Annexure-4 and 4/1 are relevant. It



is further submitted that the O.P. no. 2 has not taken any step to get her Complaint Case No.1379C of 2024, in which the order impugned has been passed taking cognizance for the offence under Section 498 A and summoning the petitioner, disposed of in the light of the terms of the compromise.

4. No one appears on behalf of O.P. No. 2.

5. Mr. Anil Kumar Singh No. 1, learned APP for the State has no objection to the above submissions and submitted that in view of the terms of the compromise as stated by petitioners' counsel, the continuance of Complaint Case in which the order impugned has been passed is a complete harassment to the petitioners.

6. Considering the facts and circumstances of this case and mainly the facts that in view of the above submissions as well as averments made in this petition, petitioner no.1 and O.P. no.2 both the parties arrived at a compromise and the O.P. no.2 has taken a sum of Rs. 6,00,000/- (Rupees Six Lakh) as one time settlement in the Lok Adalat from the petitioner no.1 and the marital relationship between the O.P. no.2 and petitioner no.1 has already been dissolved in the Lok Adalat and further, the maintenance case filed by the O.P. no. 2 has also been disposed of on the basis of the compromise as stated above and



the Pasraha P.S. Case No. 38 of 2015 lodged by the O.P. no. 2 against the petitioner no.1 and others for the offences under Section 498 A of IPC and Sections 3/4 of the D.P. Act has resulted in acquittal of the accused including the petitioner no.1 as per the statement made in paragraph no. 10 of the petition, in my opinion, in the light of these facts, the continuance of the criminal proceeding in connection with Complaint Case No. 1379C of 2014 after the cognizance of the alleged offences by order impugned, is complete harassment to the petitioners and further, in view of the compromise made by both the parties, the same will not serve the ends of justice. Accordingly, I find force in the prayer made by the petitioners, hence, the order impugned is hereby set aside and the criminal proceeding having arisen after the cognizance of the alleged offence, in the trial in connection with Complaint Case No. 1379C of 2014, stands quashed.

7. In the result, the instant criminal miscellaneous petition stands allowed.

(Shailendra Singh, J)

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