

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12997 of 2018

Arising Out of PS. Case No.-262 Year-2010 Thana- ALAMGANJ District- Patna

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Fakhruddin Ali Ahmad S/o Rahamtullah, Resident of Village- Saratha, P.S.-
Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Tabassum Fatma, wife of Fakharuddin Ali Ahmed, Daughter of Md. Jainul Haque, Resident of village- Saratha, Police Station- Dhaka, Distirct- East Champaran. at present Resident of Mohalla- Sah Colony, Alamganj, Police Station- Alamganj, District- Patna, Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48937 of 2017

Arising Out of PS. Case No.-262 Year-2010 Thana- ALAMGANJ District- Patna

- =====
1. Rahamtullah S/o Late Abdul Gaffar.
 2. Sabara Khatoon, W/o Rahamtullah, Both are resident of vill.- Saratha, P.S.- Dhaka, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Tabassum Fatma, Wife of Fakharuddin Ali Ahmed, Daughter of Md. Jainul Haque, Resident of village- Saratha, Police Station- Dhaka, District- East Champaran. At present Resident of Mohalla- Sah Colony, Alamganj, Police Station- Alamganj, District- Patna, Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39119 of 2019

Arising Out of PS. Case No.-262 Year-2010 Thana- ALAMGANJ District- Patna

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TABASSUM FATMA Wife of Fakruddin Ali Ahmad and Daughter of Zaniul Haque Resident of House No.31, Shah Colony, Police Station-Alamganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fakhurddin Ali Ahmad Son of Rahatullah Resident of Village and Post-



Saratha, Police Station-Dhaka, District-East Champaran.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 54783 of 2021

Arising Out of PS. Case No.-249 Year-2013 Thana- PATNA GRP CASE District- Patna

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Fakharuddin Ali Ahmad Son Of Rahamtullah Resident Of Village- Saratha,
Police Station- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tabassum Fatma Ex-Wife Of Fakharuddin Ali Ahmad, Daughter Of Md. Zainul Haque Present Resident Of Mohalla- Shah Colony, Alamganj, Police Station-Alamganj, District- Patna

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 6599 of 2024

Arising Out of PS. Case No.-364 Year-2015 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Tabassum Fatma Wife Of Fakruddin Ali Ahmad D/O-Md. Jainul Haque, R/O-Shah Colony, P.S.-ALAMGANJ, Distt.-PATNA
2. Md. Jainul Haque Son Of Late Wali Mohammad R/O-Shah Colony, P.S.-ALAMGANJ, Distt.-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahamtullah Son Of Late Abdul Gaffar R/O-Saratha, P.S.-dhaka, Distt.-east Champaran

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12997 of 2018)
For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Opposite Party/s : Smt. Meena Singh
(In CRIMINAL MISCELLANEOUS No. 48937 of 2017)
For the Petitioner/s : Mr. Ramakant Yadav
For the Opposite Party/s : Mr. Jharkhandi Upadhyay
(In CRIMINAL MISCELLANEOUS No. 39119 of 2019)
For the Petitioner/s : Mr. Dipak Kumar
For the Opposite Party/s : Mr. Ajit Kumar
(In CRIMINAL MISCELLANEOUS No. 54783 of 2021)



For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Opposite Party/s : Mr. Shailendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 6599 of 2024)
For the Petitioner/s : Mrs. Madhuri Kumari
For the Opposite Party/s : Mr. Md. Aatur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-01-2024 Cr. Misc. No.12997/2018

1. Heard the learned counsel for the petitioner and the learned APP for the State along with learned counsel for the O.P. No.2 Mr. Vikash Kumar Sharma.

2. The learned counsel appearing on behalf of the O.P. No.2 at the outset submits that he has instructions to make submission that in the event if the husband of the O.P. No.2 i.e. Fakhruddin Ali Ahmad pays an amount of Rs. 55 lakh to the O.P. No.2 by way of one time settlement in that event the O.P. No.2 will have no objection in the event if the present quashing application is allowed and the order impugned is quashed.

3. The learned counsel appearing on behalf of the petitioner submits that a compromise has been entered in between the petitioner i.e. the husband and the O.P. No.2 and in terms of the compromise, the petitioner has to pay an amount of Rs.55 lakh by way of one time settlement to the O.P. No.2. The learned counsel for the petitioner next submits that today he has brought two Drafts drawn in favour of the O.P. No.2 for an amount of Rs.19 lakh and Rs.36 lakh, which makes it Rs.55



lakh. The learned counsel thereafter gives the description of the Draft of Rs.36 lakh, which is as follows:- Draft No.536141 dated 12.01.2024 drawn on Canara Bank in favour of Tabassum Fatma and the details of the Draft of Rs.19 lakh is as follows:- Draft No.536140 dated 12.01.2024 drawn on Canara Bank in favour of Tabassum Fatma. Both the aforesaid drafts have been handed over in the Court room to the learned counsel appearing on behalf of the O.P. No.2 Sri Vikash Kumar Sharma. The learned counsel for the O.P. No.2 accepts both the drafts, as recorded hereinabove, on behalf of the O.P. No.2.

4. The learned counsel for the petitioner files a hard copy of the compromise in between the petitioner and the O.P. No.2 on intervention of well wishers, which is taken on record.

5. Considering the joint submissions made by the learned counsel for the parties and that the drafts have been handed over to the learned counsel for the O.P. No.2, as such, the order dated 29.08.2017 passed by the learned Additional Sessions Judge-IV, Patna City in Cr. Rev. No. 4584/2014, affirming the order dated 03.04.2014 passed by the learned S.D.J.M., Patna City in connection with Alamganj P.S. Case No.262/2010, whereby application filed on behalf of the petitioner seeking discharge has been rejected, is hereby



quashed.

Cr. Misc. No.48937/2017

1. Heard the learned counsel for the petitioners and the learned APP Mr. Jharkhandi Upadhyay for the State.

2. The learned counsel for the petitioners submits that the petitioners are father-in-law and mother-in-law of the O.P. No.2. The learned counsel for the petitioners relies on an order dated 30.01.2024 in Cr. Misc. No. 12997/2018 and submits that the said Criminal Miscellaneous No. 12997/2018 was filed by the husband of the O.P. No.2 and the same has been allowed, in view of the facts recorded therein.

3. Considering the submissions made by the learned counsel for the petitioners and taking into consideration the order dated 30.01.2024 in Cr. Misc. No. 12997/2018, the order dated 10.01.2013 passed by the learned S.D.J.M., Patna City in connection with Alamganj P.S. Case No.262/2010, whereby cognizance of offence under Sections 498(A) and 34 of the Indian Penal Code read with Sections 3 & 4 of the D.P. Act has been taken, is hereby quashed.

Cr. Misc. No.39119/2019

1. Heard the learned counsel for the petitioner and the learned APP for the State along with learned counsel for the O.P.



No.2 Mr. Rakesh Kumar.

2. The learned counsel for the O.P. No.2 at the outset submits that he has instructions to make submission that the O.P. 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 petitioner and the O.P No.2 are wife and husband and the issues have been compromised.

3. At this stage, the learned counsel for the O.P. No.2 also relies on an order dated 30.01.2024 in Cr. Misc. No.12997/2018 to submit that the dispute in between the petitioner and the O.P. No.2 stands resolved by way of one time settlement.

4. The learned counsel appearing on behalf of the petitioner concurs with the submissions of the learned counsel for the O.P. No.2.

5. Considering the submissions made by the learned counsel for the O.P. No.2, the order dated 06.05.2019 passed by the learned Additional District and Sessions Judge-IV, Patna in Cr. Misc. No.01/2019 whereby the order dated 24.08.2012 passed in Cr. Misc. No.130/2012 has been modified to the extent that the O.P. No.2 is allowed to join and obey the order of the department for posting at either inside the country or outside



the country is hereby quashed.

Cr. Misc. No.54783/2021

1. Heard the learned counsel for the petitioner and the learned APP for the State along with learned counsel for the O.P. No.2 Sri Vikash Kumar Sharma.

2. The learned counsel appearing on behalf of the O.P. No.2 at the outset submits that he has instructions on behalf of the O.P. No.2 to make submission that the O.P. No.2 does not have any objection in the event if the quashing application is allowed and the order impugned is quashed, as the issue in between the petitioner and the O.P. No.2 stands resolved. The learned counsel further relies on an order dated 30.01.2024 in Cr. Misc. No.12997/2018 to submit that the issues have been resolved.

3. The learned counsel appearing on behalf of the petitioner also concurs with the submissions made on behalf of the learned counsel for the O.P. No.2.

4. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the order dated 06.05.2014 passed by the learned Railway Judicial Magistrate, Patna in G.R.P. Patna P.S. Case No.249/2013, whereby cognizance of offence under Sections 341, 498(A), 323, 337,



307 and 120(B) of the Indian Penal Code has been taken, is hereby quashed.

Cr. Misc. No.6599/2024

1. Heard the learned counsel for the petitioner and the learned APP for the State along with learned counsel for the O.P. No.2 Mr. Rakesh Kumar.

2. The learned counsel appearing on behalf of the O.P. No.2 at the outset submits that he has instructions to make submission that the O.P. No.2 shall have no objection in the event if the quashing application is allowed and the order impugned is quashed as the dispute in between the petitioner no.1 and the son of the O.P. No.2 stands resolved as would be evident from the order dated 30.01.2024 in Cr. Misc. No.12997/2018.

3. The learned counsel appearing on behalf of the petitioner also concurs with the submissions made on behalf of the learned counsel for the O.P. No.2.

4. Considering the submissions made by the learned counsel for the O.P. No.2, the order dated 23.12.2015 passed by the learned S.D.J.M., Sikrahna at Motihari, East Champaran in Complaint Case No.364/2015, TR No.57/2022, whereby cognizance of offence under Sections 323, 504 and 379 of the



Indian Penal Code has been taken, is hereby quashed.

(Satyavrat Verma, J)

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