

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26480 of 2018

Arising Out of PS. Case No.-108 Year-2012 Thana- SHASTRINAGAR District- Patna

Ujjwal Nag Son of Late Sunil Kumar Ambastha, Resident of Village- Nai Sarai, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shipra Shareen Daughter of Sri Krishna Murari Sinha, Resident of Shastri Nagar, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Salaudin Khan, Adv.
		Mr. Akhilesh Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 08.10.2014 passed by the learned Magistrate 1st Class, Patna in Trial No.3365/2014, G.R. No.108/2012, whereby cognizance of offence under Sections 341, 323, 498A, 504, 506 and 34 of the Indian Penal Code has been taken.

3. The learned counsel for the petitioner submits that the stage of the case from the stage of cognizance till date has not changed. It is next submitted that petitioner and O.P. No.2 were husband and wife. It is next submitted that the petitioner and the O.P. No.2 herein jointly filed Matrimonial Case



No.81/2013 in the Court of learned Principal Judge, Family Court, Patna seeking divorce by mutual consent. The said Matrimonial Case No.81/2013 was allowed by judgment dated 13.09.2013. The learned counsel next submits that the O.P. No.2 herein had instituted Shastrinagar P.S. Case No.108/2012 dated 23.04.2012 against the petitioner but thereafter the parties compromised and accordingly filed divorce by mutual consent, which was allowed. The learned counsel next draws the attention of the Court to Annexure-3 to submit that the petitioner had filed Cr. Misc. No. 40884/2012 seeking anticipatory bail in Shastrinagar P.S. Case No.108 of 2012 in which a compromise was entered in between the petitioner and the O.P. No.2 and provisional anticipatory bail was granted to the petitioner with a condition that the same shall be confirmed by the learned court below on disposal of the conditions as imposed in the order dated 16.01.2013 by which provisional anticipatory bail was granted. It is next submitted that in terms of the order dated 16.01.2013 in Cr. Misc. No. 40884/2012 the petitioner and the O.P. No.2 have also filed compromise petition as would be evident from Annexure-7 to the quashing application for compromising the present criminal case.

4. The learned counsel asserts and submits that since



divorce by mutual consent has been granted and the parties have compromised the present criminal case, as would be evident from Annexure-7 of the quashing application, as such there is no need to issue notice to the O.P. No.2 and no useful purpose would be served by keeping the present quashing application pending.

5. The learned APP also does not dispute the submissions made by the learned counsel for the petitioner based on the averments made in the quashing application and the Annexures relied upon.

5. Since the case has chequered history and there are judicial orders recording about divorce and the intention of the parties to compromise, in view whereof, compromise petition was also filed (Annexure-7) and also relying on the submission of the learned counsel for the petitioner, the order dated 08.10.2014 in Shastrinagar P.S. Case No.108/2012, Trial No.3365/2014, G.R. No.108/2012, whereby cognizance of offence under Sections 341, 323, 498A, 504, 506 and 34 of the Indian Penal Code has been taken, is hereby quashed.

(Satyavrat Verma, J)

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