

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52146 of 2021

Arising Out of PS. Case No.-61 Year-2019 Thana- MAHILA P.S. District- Patna

-
1. Ravindra Ranjan, Son of Late Ram Prasad Singh, Resident of Village And P.O. - Akbarpur, P.S.- Paliganj, District- Patna.
 2. Rekha Devi, W/o Ravindra Ranjan, Resident of Village and P.O.- Akbarpur, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Priyedarshi, Advocate Mr. Shiva Shankar Prasad Singh, Advocate
For the Opposite Party/s :		Mr. A.G Mr. Mritunjay Kumar Nirala, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-05-2024

1. The instant application has been filed by the petitioners praying for quashing the order dated 27.1.2021 passed by the learned Judicial Magistrate Ist Class, Patna in Mahila P.S. Case no. 61 of 2019 whereby the learned Court below was pleased to take cognizance under sections 498A, 341, 323, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the petitioners as also learned counsel for the opposite party no.2 jointly submit that the case which had arisen out of the F.I.R being Mahila P.S. Case no.61 of 2019 has ended in a compromise between the parties. A



counter affidavit has been filed on behalf of the opposite party no.2 wherein she has categorically stated about having no objection to the order of cognizance dated 27.1.2021 being set aside by this Court. The contents of the counter affidavit of the opposite party no.2 is reproduced herein below for ready reference:-

“I, Shalani Kumari @ Shalini Kumari (Female), aged about 30 years, wife of Priyadarshi Ranjan @ Bunty, daughter of Sri Sanjay Kumar, resident of R.M.S. Colony, Road No. 1A, P.S.- Kankarbagh, District-Patna, do hereby solemnly affirm and declare as follows :-

1. That I am opposite party no. 2 in the present case and well acquainted with the facts and circumstances of this case.

2. That some facts are necessary to bring on record as per the direction of this Hon'ble court.

3. That the petitioner is my father-in-law and mother-in-law and I have lodged one criminal case as Mahila P.S. Case No. 61 of 2019 against my father-in-law and and mother-in-law and their relatives, which is pending in the court of Ld. S.D.J.M., Patna.

4. That we have compromised amicably in Mahila P.S. Case No. 61 of 2019 and we have decided to live separately after taking mutual



divorce, we have no grievances with each other and I do not want to contest the Mahila P.S. Case No. 61 of 2019 further we have also filed a compromise petition in this regard earlier on 28.3.2023 in the court of Ld. S.D.J.M., Patna.

5. That I alongwith my husband has already filed a Mutual Divorce petition u/s 13(B) of Hindu Marriage Act vide Matrimonial Case No. 1708/2022, which is pending in the court of learned Principal Judge, Family Court, Patna.

This case has already been admitted and I have received Rs. 5,00,000/- (Rs. five lacs only) from my husband as a full and final amount of Alimony as well as all household articles and all grievances has been settled between us.

6. That in the above said circumstances, I am praying before your Lordships to set-aside the cognizance order dated 27.01.2021, passed by Ld. S.D.J.M., Patna against my husband and his relatives.

7. That the above said statements have been read over and explained to me in simple Hindi, which I have understood and the same are true and correct to the best of my knowledge and belief.”

3. Having heard learned counsel for the parties and taking into consideration the submissions made by learned



counsel for the parties together with the contents of the counter affidavit of the opposite party no.2 as reproduced herein above, the order taking cognizance dated 27.1.2021 passed in Mahila P.S. Case no.61 of 2019 by the learned Judicial Magistrate Ist Class, Patna is hereby quashed.

4. The application is allowed.

(Partha Sarthy, J)

avinash/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	05.06.2024
Transmission Date	

