

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65121 of 2021

Arising Out of PS. Case No.-592 Year-2017 Thana- NAGAR District- Vaishali

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1. Prabhat Sinha, S/o Shakti Kumar Sinha, Resident of Flat No.5-A, Prestige Apartment, Durga Mandir Road, Hirapur, P.S.- Dhanbad, District-Jharkhand.
 2. Shakti Kumar Sinha, Son of Dinesh Kumar, Resident of Flat No.5-A, Prestige Apartment, Durga Mandir Road, Hirapur, P.S.- Dhanbad, District-Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nivedita Sinha, W/o- Prabhat Sinha, D/o Ashok Kumar Sinha, R/o House No. R-22, Upadhya Niketan, Jagat Bihar Colony, Aashiana Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sourendra Pandey, Advocate.
For the State	:	Mr. Brajendra Nath Pandey, APP
For O.P. No.2	:	Mr. Prashant Bhushan, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-08-2024

Heard Mr. Sourendra Pandey, learned counsel for the petitioners and learned counsel for the State. O.P. No.2 is represented by Mr. Prashant Bhushan, learned counsel.

2. The petitioners by invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure (for short “the CrPC”), seeks quashing of the FIR of Hajipur Town P.S. Case No. 592 of 2017 as well as the proceedings arising there from.

3. Shorn of unnecessary details, the brief facts of the



case are that the marriage of petitioner no.1 was solemnized with O.P. No.2 on 19.01.2008. However, on account of certain differences leading to some allegations and counter allegations, Hajipur Town P.S. Case No. 592 of 2017 has been lodged.

4. The police after investigation submitted charge-sheet against the petitioners and subsequently vide order dated 01.07.2019, the learned Chief Judicial Magistrate, Vaishali at Hajipur, took cognizance of the offences punishable under Sections 498A, 323, 307 and 504/34 of the Indian Penal Code.

5. It is contended on behalf of the petitioners that soon after institution of the FIR, the informant/O.P. No.2 had also filed Matrimonial Suit being M.A. No. 1167 of 2017 for dissolution of marriage before the Court of Principal Judge, Family Court, Patna.

6. Adverting to the aforesaid facts, Mr. Pandey, learned counsel for the petitioners further contended that now on account of intervention of well wishers and family members, both the parties have entered into a compromise and decided not to proceed with the criminal case. The parties have also agreed for divorce by mutual consent and accordingly they have filed a fresh petition under Section 13(B) of the Hindu Marriage Act, 1955, which has been renumbered as Matrimonial Case No.



1345 of 2019. The opposite party no.2 has also made deposition before the Family Court admitting the factum of compromise of all the matter.

7. Learned counsel for O.P. No.2, fairly submitted that in order to settle their life, both the parties have compromised and they do not want to proceed any further in the matter. The compromise petition has also been placed on record by way of Annexure-1 to the quashing application. The parties have also made an application for compounding of the offence on the basis of compromise. However, the learned Jurisdictional Court taking note of the fact that one of the offences is not compoundable, permission for compromise has not been granted. Hence, the present application.

8. Learned counsel for the petitioners also placed reliance on a decision rendered by the Hon'ble Apex Court in **Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303]**, wherein the three Judges Bench in no uncertain terms held that *"the High Court while exercising the inherent jurisdiction under Section 482 of the CrPC, may quash the criminal proceedings, if the parties have settled their dispute arising out of a matrimonial matters."* A guideline in this regard has also been enunciated by the Hon'ble Apex Court.



9. Further reliance has also been placed on a judgment rendered by the Hon'ble Apex Court in **Narinder Singh and Others v. State of Punjab and Another [(2014) 6 SCC 466]**, wherein in para-29 thereof, the Court has laid down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code. While accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. It is made clear that when the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

The Court further observed that those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

10. Considering the fact that the matrimonial dispute



has already been settled between the parties and they do not want to proceed in the criminal case and all the matters have been compromised and they decided to keep harmony and peace, in the opinion of this Court, continuance of the proceedings any further shall be an abuse of the process of the Court.

11. In view of the aforesaid facts and the guiding principles enunciated by the Hon’ble Supreme Court, this Court deems it proper to quash the FIR of Hajipur Town P.S. Case No. 592 of 2017 as well as the proceedings arising there from.

12. The quashing application stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12-08-2024
Transmission Date	

