

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4733 of 2016

Arising Out of PS. Case No.-442 Year-2014 Thana- ARA NAWADA District- Bhojpur

Dudh Nath Singh, son of Mahesh Singh, resident of Mohalla-Prabhat Colony, near Shiv Mandir, Bypass Road, Chas, P.S.-Chas, District-Bokaro (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar
2. Ranvijay Rai @ Ranjit Singh, S/o Late Dharmnath Rai, Village and P.O.- Narhi, P.S. Chandi, District-Bhojpur at present- Maharaja Hata Ara, Gali No.-2, P.S.-Ara Nawada, District-Bhojpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 14-05-2024

Heard learned counsel for the petitioner and
learned APP for the State.

2. The present application has been filed by the petitioner for quashing the order dated 06.07.2015 passed by learned Chief Judicial Magistrate, Bhojpur, Arrah in Arrah Nawada P.S. Case No.442 of 2014 whereby the learned Jurisdictional Magistrate has taken cognizance of the offences punishable under Section 420 of the Indian Penal Code (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act against the petitioner and issued summon to



face the trial.

3. The prosecution case, in brief, as per written report of the informant, namely, Ranvijay Rai which was submitted before the Officer-in-charge of Ara Nawada Police Station, is that he had fixed the marriage of his daughter, namely, Priyanka Kumari with Satish Kumar, the son of the petitioner. He further alleged in the written report that the son of petitioner was a Senior Manager in Reliance Life posted at Delhi and considering this, the opposite party no.2 had fixed the marriage. All the family members saw the girl at the residence of the informant. Thereafter, it was agreed that for the marriage, Rs.10 lakhs as well as ornament of five *bhar* , AC, Freeze, TV and other instruments were to be given. The ring ceremony was held on 27.05.2014 at Samrat International Hotel. On that day, Rs. 9 lakhs in cash was given for expenditure in the marriage, Rs. 2 lakh was given towards purchase of cloths. The informant side gave certain gifts as well as ornaments to the girl. The marriage was fixed for 30.11.2014 and *Tilak* ceremony was to be held on 25.11.2014. After fixing of the date, the informant



alleged that he ordered the furniture at Bokaro, van, caterers and other arrangements, Rs.3 Lakh were spent by the informant. It is further alleged that the petitioner asked the informant/opposite party no.2 that the marriage will not be held unless and until the informant will give an additional amount of Rs. 10 lakhs, to which, the informant shown his inability. The informant, thereafter, asked the petitioner to return back the amount, the petitioner said that he will neither marry his son, nor the amount will return, which he has taken. It is further alleged that the present crime has been committed by the petitioner and all other family members.

4. With aforesaid background of allegation, the police registered a case as Arrah Nawada P.S. Case No.442 of 2014 for the offences punishable under Section 420 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the matter stood compromised between the parties, where the compromise petition signed by both the parties, which now made



available on record through supplementary affidavit dated 22.03.2024. From perusal of supplementary affidavit, it appears that the both the parties have amicably settled their disputes and differences. It is submitted that in view of compromise, nothing survives in this matter and, therefore, criminal proceedings pending before the learned trial court would amount to abuse of the process of court of law and the same is fit to be quashed and set aside.

6. None appears on behalf of opposite party no.2, despite of service of notice.

7. Mr. Anil Kumar Singh No.1, learned APP appearing for the State while opposing the petition supported the factum of compromise between the parties as filed through supplementary affidavit dated 22.03.2024.

8. In view of aforesaid facts and circumstances, as the matter stands compromised between the parties, therefore, continuing with criminal proceedings before learned Trial Court would amount to misuse of the process of court of law.

9. Accordingly, the order taking cognizance dated



06.07.2015 passed by learned Chief Judicial Magistrate, Bhojpur, Arrah in Arrah Nawada P.S. Case No.442 of 2014 *qua* petitioner with all its consequential proceedings *qua* petitioner is, hereby, quashed and set aside.

10. The application stands allowed.

11. Let a copy of the judgment be communicated to the learned Trial Court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2024
Transmission Date	17.05.2024

