

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.673 of 2022

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

Piyush Ranjan @ Peyush Ranjan, S/o- Ravindra Ranjan, R/o- Keyal Bhawan,
Near Sharma Lodge, Pump House Punaichak, P.S.- Shastri Nagar, Patna-
800023. At Present - H. No. -1056, Pragya Kunj Apartment, Vasundhara,
Ghaziabad, Uttar Pradesh-201212.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari, D/o Sanjay Kumar, R/o R.M.S. Colony, Road No.1A, P.S.-
Kankarbagh, District- Patna

... .. 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 Dr. Ajeet Kumar, APP Mr. Ashok Kumar, Advocate Mr. S. Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 17-05-2024

1. The instant application has been filed by the petitioner 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 wherein 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 petitioner 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 brother-in-law and I have lodged one criminal case as Mahila P.S. Case No. 61 of 2019 against my brother-in-law and his 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)

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

