

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6426 of 2024

Arising Out of PS. Case No.-532 Year-2021 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Deepak Kumar Jha @Deepak Jha SON OF SHIV SHANKAR JHA RESIDENT OF VILLAGE- MORA GIDHOUR, PS- GIDHOUR, DIST- JAMUI, AT PRESENT VILALGE NADI DHAURA , PO AND PS- CHIRKUND, DISTT- DHANBAD, JHARKHAND
 2. SHIV SHANKAR JHA SON OF LATE RAM NARESH JHA RESIDENT OF VILLAGE- MORA GIDHOUR, PS- GIDHOUR, DIST- JAMUI, AT PRESENT VILALGE NADI DHAURA , PO AND PS- CHIRKUND, DISTT- DHANBAD, JHARKHAND
 3. GAYATRI DEVI WIFE OF SHIV SHANKAR JHA RESIDENT OF VILLAGE- MORA GIDHOUR, PS- GIDHOUR, DIST- JAMUI, AT PRESENT VILALGE NADI DHAURA , PO AND PS- CHIRKUND, DISTT- DHANBAD, JHARKHAND

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Adv
	:	Ms. Harshita, Adv
	:	Mrs. Rupa Sinha, Adv
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 08-07-2025

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

2. The present application has been preferred by the petitioners for quashing the order of cognizance dated 21.09.2022 as passed by learned S.D.J.M. Munger arising out of Complaint Case No. 532 (C) of 2021, whereby cognizance was taken for the offences punishable under Section 498-A of the Indian Penal Code (in short 'IPC') and Section 3/4 of the Dowry Prohibition Act against the petitioners.

3. Upon perusal of record it transpires that notice was



issued against O.P. No. 2 in terms of order dated 01.08.2024, where same appears validly served upon. Despite of same, O.P. No. 2 failed to join the present Court proceedings.

4. Supplementary affidavit as provided by learned counsel for the petitioners taken on record, during the course of day itself.

5. The case of the prosecution, in brief, is that informant solemnized marriage with petitioner no. 1 namely Deepak Kumar Jha on 20.11.2017 according to Hindu rites and rituals, where several articles and cash was gifted by their close relatives and parents as per their capacity. It is further stated that after marriage O.P. No. 2 joined her matrimonial house but soon after six months her in-laws started raising demand of dowry as her husband was employed with Border Security Force (B.S.F) and due to non-fulfillment of demand of cash of Rs. 5 lakhs and golden chain as demanded, she was subjected to cruelty and mental torture. It is also stated that since last two years of filing of complaint petition, Petitioner No. 1/husband is not in touch and as such she was deserted due to non-fulfillment of aforementioned demand of dowry.

6. Without exploring other merits as available for the



parties, learned counsel appearing on behalf of the petitioners submitted that parties amicably settled their disputes and differences and, thereafter, marriage between the parties now stands dissolved under their mutual consent as per provision available under Section 13B(1) of the Hindu Marriage Act, 1955. As per second supplementary affidavit it transpires that marriage between Petitioner No. 1 and O.P. No. 2 dissolved through judgment and decree dated 18.02.2025 against permanent alimony of Rs. 3,50,000/- which was received by O.P. No. 2 through two different Demand Drafts i.e., Rs. 2,50,000/- through Demand Draft No. 857643 dated 22.05.2024 & Rs. 1,00,000/- through Demand Draft No. 857642 dated 22.05.2024 both drawn on S.B.I.

7. In view of aforesaid it is submitted by learned counsel for petitioner that continuing with the present prosecution would only amount to abuse the process of court of law Petitioner No. 2 & 3 are parents of Petitioner No. 1.

8. Learned APP, appeared on behalf of State.

9. In view of aforesaid factual submission and also by taking note of the fact as parties settled their issues amicably, where petitioner no. 1/husband paid maintenance by way of



permanent alimony to O.P. No.2/wife as mentioned above, where marriage between the parties stands dissolved by way of mutual divorce, accordingly, continuing with the present proceeding before the learned trial court would only amount to abuse of the process of court of law.

10. Accordingly, the impugned cognizance order dated 21.09.2022 as passed by learned Sub-Divisional Judicial Magistrate, Munger arising out of Complaint Case No. 532 (C) of 2021 *qua* all above named petitioners is hereby quashed/set-aside.

11. Accordingly, present quashing petition stands allowed.

12. Let a copy of this judgment be sent to the learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.07.2025
Transmission Date	09.07.2025

