

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20851 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- MAHILA P.S. District- Patna

Syed Eqbal Afzal Son of Late Syed Abdullah Afzal R/o Loharwaghat Lane
Alamganj, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilu Fatma @ Nilofar Fatma Daughter of Mohammad Halim R/o Pirwais Lane, In front of the Imambarra, Above Shahid Materials, P.S.- Alamganj, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the OP No. 2	:	None

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-03-2025 Heard Mr. Patanjali Rishi, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. None appears on behalf of opposite party no. 2. However, cause title shows that Mr. Harish Kumar, Advocate was appearing in this case for the opposite party no. 2.

3. The present application has been filed for quashing the order dated 21.10.2020 passed by the Judicial Magistrate, First Class, Patna in connection with Mahila P.S. Case No. 71 of 2020 registered for offences punishable under sections 498A, 504, 506 and 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 thereby finding the



case to be true against the petitioner who is the husband of the opposite party no. 2 for offences punishable under Section 498A/34 of the Indian Penal Code, 1860.

4. Learned counsel for the petitioner has taken this Court to the order dated 10.05.2024 passed in Cr. Misc. No. 37805 of 2021, which reads as follows:

“Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. In compliance of the order dated 26.04.2024, the petitioner and the informant are physically present in the Court.

4. It is jointly submitted by the learned counsel for the parties that the dispute in between the petitioner and the informant stands resolved by way of one time settlement.

5. Learned counsel for the petitioner submits that petitioner has paid an amount of Rs.40 lakhs to the informant in lieu of Talaq and the learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel appearing on behalf of the petitioner.

6. The petitioner, who is present in the Court, fairly submits that out of the wedlock, a girl child, namely, Aaida Afzal was born and she presently is staying with the informant.

7. It is further submitted that no doubt, an amount of Rs.40 lakhs has been paid to the informant by way of one time settlement but then petitioner is also willing to pay an amount of Rs.75,000/- per annum to the informant towards



the educational expense of the child. It is next submitted that petitioner will credit an amount of Rs.6,250/- per months in the account of the informant till the child completes her graduation but if the child in the midway leaves her study in that event the said amount would not be credited in the account of the informant.

8. The petitioner has taken a fair stand which the Court appreciates.

9. The informant, who is also present, submits that if the petitioner will want to meet the child she will never object on which petitioner submits that he will make endeavours to meet the child at least once in a month either at the house of the informant or at a designated place as agreed in between him and the informant.

10. The informant, at this stage, submits that she will withdraw the instant criminal miscellaneous filed against the petitioner.

11. The learned counsel appearing on behalf of the informant submits that two criminal cases have been filed from the side of the petitioner against the informant and others on which the petitioner submits that one case has been filed by him and the other case has been filed by the wife of his driver with whom the informant had altercation but, submits that if the informant files any application before this Court seeking quashing of the FIRs instituted by him and by the wife of his driver in that event he and the wife of his driver both will file an affidavit stating that they will have no objection if the criminal cases filed against the informant and others are quashed. The details of the cases filed by the petitioner and the informant against each other are also recorded in the order dated 16.06.2022.

12. Considering the submissions made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No. 71 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.”

5. Since the matter has been settled between the petitioner and the opposite party no. 2, this application is allowed.

6. The order dated 21.10.2020 passed by the Judicial Magistrate, First Class, Patna in connection with Mahila P.S. Case No. 71 of 2020, is hereby quashed.

(Sandeep Kumar, J)

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