

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19055 of 2024

Arising Out of PS. Case No.-2111 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rohit Kumar S/o Late Shrawan Kumar R/o Mohalla - Lodipur Near Police Line, P.S. - Gandhi Maidan, P.O. - G.P.O., Distt. - Patna
 2. Urmila Devi W/o Late Shrawan Kumar R/o Mohalla - Lodipur Near Police Line, P.S. - Gandhi Maidan, P.O. - G.P.O., Distt. - Patna
 3. Mukesh Kumar S/o Late Shrawan Kumar R/o Mohalla - Lodipur Near Police Line, P.S. - Gandhi Maidan, P.O. - G.P.O., Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Raj W/o Rohit Kumar, D/o Sri Mahesh Rajak R/o Mohalla Lodipur, Near Police Line, P.s. - Gandhi Maidan, Distt. - Patna, Presently residing at Makan No. 303, Road No. 14, (B), Ashok Nagar, P.S. - Kankarbag, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Ojha, Adv.
For the Opposite Party/s	:	Mr. Anand Kr. Ojha, Sr. Adv. Mr. Sanjiv Sharan, Adv. Mr. Sanjay Kr. Mishra, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 09-07-2025

1. Heard learned counsel appearing on behalf of
the parties.

2. The present petition is being filed on behalf
of the petitioners for quashing of cognizance order dated
27.02.2018 passed by learned Sub Divisional Judicial
Magistrate, Patna in connection with Complaint Case No.



2111(C) of 2017 whereby and whereunder cognizance has been taken against petitioners for offences under Sections 498(A) of I.P.C. and Section 4 of Dowry Prohibition Act.

3. As per complaint of the complainant/ O.P. No. 2 solemnized marriage with petitioner no. 1 namely Rohit Kumar on 01.02.2017 as per Hindu rites and rituals, at Anand Vatika House at Patna. It appears that for purchasing motorcycle/ gift and for different expenditure on account of marriage total of Rs. 13,00,000/- (Rupees Thirteen Lakh) was incurred by the father of the complainant. O.P. No. 2/ complainant joined her matrimonial home after marriage but after passing sometime further demand of dowry was raised for cash of Rs. 5,00,000/- (Rupees Five Lakh), AC, T.V. etc., which upon non-fulfillment petitioners started to torture complainant/ OP No.2 mentally and physically and finally on 06.06.2017 they ousted complainant/ OP No. 2 from her matrimonial home after physical assault.



4. Without exploring avenue of merits, it is straightaway submitted by learned counsel appearing for the petitioners that the matter now amicably settled between the parties as they decided to dissolve their marriage by way of mutual consent provisioned under the Section 13B of the Hindu Marriage Act, 1955 against permanent alimony of Rs. 13,00,000/- (Rupees Thirteen Lakh). It is submitted that acting upon the compromise which is available on record, petitioner no. 1 paid Rs. 5,00,000/- (Rupees Five Lakh) to O.P. No. 2 and balance amount of Rs. 8,00,000/- (Rupees Eight Lakh) shall be paid at first motion Rs. 4,00,000/- (Rupees Four Lakh) and second motion Rs. 4,00,000/- (Rupees Four Lakh) respectively. It is further submitted by learned counsel that petitioner no. 2 is mother-in-law and petitioner no. 3 is father-in-law of OP No. 2. Concluding argument, it is submitted that in view of aforesaid compromise continuing of proceeding before learned trial court would only amount to abuse of process of court of law,



therefore, impugned order of cognizance dated 27.02.2018 is fit to quashed/ set aside.

5. Learned counsel for the petitioner made statement at bar that the petitioner no. 1 earlier filed a petition for restitution before learned Principal Judge, Family Court, Patna which is pending as Restitution Case No. 1039 of 2019 and in view of amicable settlement it become infructuous, which petitioners now withdraw within two weeks.

6. Learned counsel appearing for the O.P. No. 2 also affirmed the factum of compromise as submitted above. It is also submitted that O.P. No. 2 received amount of Rs. 5,00,000/- (Rupees Five Lakh). It is pointed out that in view of amicable settlement as submitted aforesaid the O.P. No. 2/ complainant shall withdraw Maintenance Case No. 228(M) of 2017 pending before court of learned Addl. Principal Judge, Family Court, Patna.

7. In view of aforesaid factual submission and



by taking note of fact as both the parties i.e., petitioner no. 1 and O.P. No. 2 amicably settled their dispute and differences, where they decided to dissolve their marriage by way of mutual consent as provisioned under Section 13B of Hindu Marriage Act, 1955, against permanent alimony of Rs. 13,00,000/- (Rupees Thirteen Lakh) out of which Rs. 5,00,000/- (Rupees Five Lakh) is already paid to O.P. No. 2/ complainant, accordingly, the impugned order of cognizance dated 27.02.2018 as passed by court of learned Sub Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 2111(C) of 2017, *qua* all above-named three petitioners is hereby quashed/set aside, with all its consequential proceedings.

8. In view of aforesaid, Maintenance Case No. 228(M) of 2017 is also hereby quashed/set aside.

9. Let a copy of this judgment be also sent to the learned learned Addl. Principal Judge, Family Court, Patna for compliance.



10. Petitioner is also directed to withdraw the case for restitution of conjugal right filed against O.P. No. 2 which is pending before the court of learned Principal Judge, Family Court, Patna as Restitution Case No. 1039 of 2019 within two weeks of this order.

11. Parties are directed to abide their terms and condition of compromise dated 08.07.2025.

12. Learned Principal Judge, Family Court, Patna is directed to dispose expeditiously the petition of mutual divorce as preferred by the parties i.e., petitioner no. 1 and O.P. No. 2, in accordance with law.

13. Let a copy of the judgment be sent to the learned trial courts forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	10.07.2025

